MODERN BATTLES OF TRENTON

Volume II

From Werts to Wilson

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WOODROW WILSON
Governor 1911-1913

Frontispiece

MODERN BATTLES OF TRENTON

Volume II

From Werts to Wilson

By
WILLIAM E. SACKETT

Illustrated by Portraits

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A BRIEF FOREWORD

With the story of the first issue of "Modern Battles of Trenton" and that embraced in these pages, I have set down the civil and political history of New Jersey for the last half century. But in the preparation of this new edition I have endeavored to write so that one may catch up the skein from one epoch to the other and read on understandingly without recourse to the earlier publication.

When I say from one epoch to another I speak advisedly. Without any planning of mine to that end, the whirligig of Time has made each of these publications epochal. While I was engaged years ago in tracing for the first volume the story of the Democratic régime that controlled the state for nearly two decades following the Civil War, the gods were sowing the seeds of its fall; and by the time I was ready for press the culmination had come. So when I entered on the text for this newer story of a long Republican régime I expected to tell in my closing chapter of a new Republican triumph,—when along came Woodrow Wilson to close the second epoch with a Democratic sweep that rounded out my Republican story to its finale.

Though I cannot but recognize the political aspects of the narratives in the two books, I wish to acquit myself of any possible suspicion of having been influened in the preparation of either by my personal party leanings, if I have any. I have tried to remember that History is the storehouse of only the Truth, and to know no party in my writing. I have endeavored to treat men and measures on their merits solely, and with the pitiless frankness of the Free Lance, the char-

acter of whose work forbids him either to ask favors or to give them.

Some of the public men of the state who may have expected gentle treatment at my hands will doubtless be stung by the harshness with which the truth has forced me to treat them. Others who may look for my tomahawk in these pages will be surprised to see how "white" I have been obliged to be with them. Whatever they may have anticipated, they may all rest assured that I have laid aside my likes and dislikes for the nonce, and worked out their several places in the world of affairs without fear or favor,—with malice toward none, yet with none of that sentimental charity which closes its eyes to the bad points in a good man and hunts with a microscope for the good points in a bad one. If anything here set down displeases them, they must remember that they made the records—they did these things,—not I! I just happened to be around to see them doing them; and this volume is the fruit of my most recent observations among them.

It is gratifying to know that, whatever may be said of individuals, the growing greatness of New Jersey as a commonwealth shines through all these pages. The quarter century whose record they reveal has been one of tremendous development in substantial things for the state; and she has, besides, grown potent politically among the galaxy of states while she has been growing populous and prosperous and happy. With one of her honored sons having achieved renown as the most influential vice-president the United States has ever had, and with another having leaped at one bound from her State House into the White House itself, she has lived under the eyes, as it were, of the nation for the past dozen years or more. And the tale of these years of her work has therefore an interest that is more than local,—that indeed must be nation-wide.

I can not,—shall not,—close this brief preface without making acknowledgment, on behalf of the public men of the state, to The Neale Publishing Company for the assistance the Company has rendered them in perpetuating the story of their achievements for future generations to recount. That I have been dreaming for many years of the fruition that

comes with the appearance of this volume is a fact widely known to the men of New Jersey. I had faith that those whose careers must needs be heralded in a volume of this kind would gladly help me to produce it. Some of the broad-gauged among them were ready to do their part—and more.

WILLIAM E. SACKETT.

MODERN BATTLES OF TRENTON

CHAPTER I

WHOM THE GODS WOULD DESTROY

"Coal Combine" and Horse Jockey Legislatures End the Reckless Career of the Old Dynasty—Triumphing Republicans in the Same Breath Make a Senator of Sewell and Challenge His Supremacy as a Boss—Significance of Murphy's Candidacy Against Him.

For thirty years prior to the ousting of the notorious "Rump" Legislature of 1894 by the Supreme Court of the State the Democrats had been in practical control of New Jersey. From the days in 1844 when the State adopted the Constitution under which she is now operated, she had had but three Republican Governors, and they were upheavals of the excitements that attended the Civil War. Not since Ward assumed the Governorship in 1865 had a Chief Executive of that party been the central figure at a triennial inaugural ceremony in Trenton. After him came that unbroken procession of Democratic chieftains, beginning with Randolph and running along through the administrations of Parker, Bedle, McClellan, Ludlow, Green, and Abbett to Werts.

With the exception of Abbett, who was a law unto himself, they were all the puppets of a masterful coterie of party managers, who pulled the strings of politics behind the curtains of officialism. The potent one in the coterie was Henry C. Kelsey, who filled the modest station of Secretary of State for a quarter of a century. His fertile genius planned the machinery and furnished its grist; the suave Benjamin F. Lee, long Clerk of the Supreme Court, oiled it; the energetic Henry S. Little, Clerk of the Court of Chancery, furnished the steam for it. This triumvirate of resourceful leaders had diligently employed

their influence with a chain of Democratic legislatures in the establishment of the State's general policy on Democratic lines that occasional political deviations could not change; and even the greater men of affairs,—Governors and United States Senators, as well as the what-not of State officialism,—were but the tools they themselves picked to administer it.

Even the continued control of the State Senate by the Republicans did not avail to check their power. The county unit system of representation there makes the Senate a woefully stolid Republican body, and wholly unresponsive to ephemeral popular excitements. Skilful political calculators estimated that a Democratic majority of 30,000 in the State could not produce a Democratic majority there; and all but seven of the forty Senates that had met in Trenton between 1872 and 1912 were under Republican control. But the Democratic triumvirate's influence reached out into potential Republican circles; and, when that did not avail to save the day for them, Democratic majorities in the lower house checked all their schemes of party aggrandisement. If the Republicans found themselves, as they did occasionally, in accidental possession of both branches, the next Legislature, with Democrats restored to power, undid all they had done, and seized the opportunity besides to plant the party standards further forward, and deeper, so that the legislative residuum of the years was a larger Democratic advantage, and a more impregnable Democratic entrenchment.

In the later few years of the party's ascendancy these wiser and safer chieftains had been rudely crowded aside by a vulgar crew, hungry for loot where they had been hungry only for power. Ballot box stuffers, of the order of the sixty whom the fearless Lippincott had lashed into the Trenton dungeons, counted the lawless mob into the places of vantage, and they swarmed upon the fleshpots of the State with the greed of vultures. They sold one Legislature to the "Coal Combine," handed another over to the jockeys of the scandalous year-around race tracks, and rounded up the mad revelry with an autocracy that pinioned the Commonwealth while they plucked her. So bold and reckless did they become that they made no effort to cover their tracks; and, when their having been hurled from power made an enquiry possible, the evidences of their

GEORGE T. WERTS
Governor 1893-1896

rascalities were found scrawled all over the records of the State House for the most casual glance to discover.

The Republicans came into possession of the Legislature of 1894 with a swing that meant that the end of the saturnalia had been reached at last. That was an augury of a lasting change in the politics of the State; and no surprise was expressed when it was followed in 1895 by one with a more overwhelming Republican majority in both branches. It was felt that the last Democratic Governor the State was to have in many years was about to write the party's valedictory in his last annual Message. Governor Werts was a man of fine mold, and his state papers were gems of literary finish. But his message was not prophetic of the changes that were at hand. If he foresaw the years of exile from the public places to which his party had condemned itself, he kept the secret to himself.

The light of to-day reveals the message, which might have been so prophetic on that point, as singularly unprophetic as to some other topics, small and inconsequential then, that have since risen into overshadowing magnitude.

A little band of reformers who gathered at the office of Lawyer William A. Cotter in Newark to conjure up schemes that would make the people talk had begun the initiative, referendum, and recall propaganda that Governor Wilson vitalized two decades later. The idea was regarded at that time as a Socialistic chimera, and the public viewed their agitation of it as designed wholly for self-advertisement. The only dignity it acquired was that which Governor Werts's denunciation of it to the Legislature gave to it; and it was probably due to his deliverances concerning it that it disappeared from the public discussions. The Governor did not live to see the later day when the spark he trampled out in 1895 was rekindled to set the State aflame.

The recommendation of his message that the voting machine be employed as a corrective of acknowledged electoral abuses is a tribute to the patience of the voting machine trust. Nearly a decade followed his pleasant introduction of the trust to the good people of the State before the trust organized its raid upon the State treasury. Later chapters tell the story of the employment of this election device,—which won its first words

of commendation from this noted Democratic chieftain,—by unscrupulous Republican managers for the confusion, the intimidation, and the disfranchisement of the Democratic voters of the State.

The legislature to which this miscalculating message was sent was overwhelmingly Republican in both branches. Republicans held 54 of the 60 Assembly seats and 18 of the 21 seats in the Senate. All told, there were only nine Democrats in the whole Legislature of 81 members. The smooth-tongued Edward C. Stokes, of Cumberland, presided in the upper branch; the dignified Joseph W. Cross, of Union, sat in the Speaker's chair in the Assembly. On the rolls of both Houses were the names of some who had already ridden into notice and of more who were yet to achieve distinction. In the Senate list were Daly, of Hudson; Richard S. Kuhl, of Hunterdon; Elias C. Drake, of Morris; Gen. William H. Skirm, of Mercer; George W. Ketcham, of Essex; Voorhees, of Union; and "Founder" Bradley, of Asbury Park, representing Monmouth. The Assembly list comprised the names of John C. Eisele and Alfred F. Skinner, of Essex; Charles N. Codding, of Union; D. D. Zabriskie, of Bergen; William E. Drake, the only Republican in the large delegation from Hudson; Edward W. Hicks, of Middlesex; C. Asa Francis, of Monmouth; John King, of Passaic, and of course Cross, of Union, who had been made Speaker.

No more vivid picture of the new order of things could have been put before the public eye than its displacement of John R. McPherson, the Democrat of nation-wide reputation who had stood sponsor for New Jersey in the United States Senate for eighteen years, by Gen. William J. Sewell, who for two decades had been the iron-willed Bismarck of the Republican State forces. The candidacy of Franklin Murphy for the shining honor Sewell easily won was the first challenge of the party autocrat's supremacy any one had yet dared; and it found its sequel eventually in the transfer of the party scepter from Camden and South Jersey to Newark and North Jersey influences. Devotion to General Sewell had become as a creed among the Republicans of New Jersey. It was rank treason for one of his party to attempt to thwart him.

But the glove that Murphy threw down to him in this Sen-

atorial contest, on behalf of the Republicans of North Jersey, was sure to come sooner or later. The General's power rested in his domination of the small Republican counties that cluster around Camden. He named the State Senators from each of them; and there were enough of them to control that branch of the Legislature. As nothing was possible without their consent, nothing was possible without his consent; and he was the prime factor in legislative circles. The inalienable strength of the party was in those counties, too. Election night forecasters never had to wait for the returns from any of them to gauge the results of the day's contest at the polls in the State. Their majorities were safely written into the computers' tables of estimates before a polling place in them had been heard from. Sewell's mastery of these counties,—full of loyal party devotees,—supplemented his legislative influence with a political influence that, combined, had served to make him invincible as a ruler.

The greater counties to the North,—rich, populous, big, enterprising, urban, and cosmopolitan,—had long been disposed to resent the undue influence that the others,—small, unprogressive, and provincial,—were exerting in State affairs. The chief county of Essex, with the great city of Newark, the exclusive Oranges and Montclair among its municipalities, was particularly restive under the Camden yoke. Sewell had but a small army of warm camp-followers there. She had submitted to his iron rule, but there was an undercurrent of opposition. The Republicans there were but awaiting the opportune moment to strike for the voice in affairs to which their numbers and civic importance entitled them.

Franklin Murphy, a rich varnish manufacturer, who had grown up in the public activities of the county, resolved to make for them the opportunity that seemed too long a-coming. And in announcing his candidacy for the seat in the Senate which he knew Sewell had set aside for himself, he chose the hour when the party was to come into control of the State for years ahead to set the handwriting on the wall, and warn the conquering chieftain that the days of his dominion were numbered. It was the notice of North Jersey to South Jersey that, in the shaping of the new destinies of the Commonwealth under

Republican auspices, North Jersey's voice was thereafter to be heard and respected.

A mere bout with Mr. Murphy for the Senatorship would not have disturbed the Camden chieftain; he would have been serene in his confidence of winning against all comers. Even Mr. Murphy cannot be suspected of reveling in rainbow hopes of snatching the glittering prize from his hands. The significance of Mr. Murphy's candidacy was not there! General Sewell knew that as well as Mr. Murphy did. It was the defiance of his kingship the candidacy implied, that moved the General for years afterward to denounce the Newark champion as a traitor to his party. Murphy's end was gained in the candidacy. He had aimed the battering ram at the Camden citadel, and freed the Sewell-smothered influences of the State for the activities that later shook it down.

For dynastic effect the General made a great show of beating Mr. Murphy in the Senatorial caucus. With his majority there already assured, the General urged an early meeting for the selection of the party's candidate; Murphy was for delay. To let the world study the contempt with which he regarded Murphy's demonstration, the General consented to postponement. But he flourished the trumpets when Storrs, of Orange, and an Assemblyman from Mr. Murphy's own county, broke away to declare for him; and there were more pæans of triumph when the caucus made Storrs, of Mr. Murphy's own county, its chairman. The Murphy men saw how the caucus was going, and wanted to be left free in joint meeting to vote as they pleased. Senator Ketcham and Assemblymen Eisele, Harrison, Olcott, and Skinner were the only men who voted for it. Sewell's nomination was almost unanimous.

When the Houses ballotted the next day Storrs put the General's name before the Assembly; Olcott and Eisele were the only two of the Essex delegation who voted against it. With Senator Bradley, of Monmouth, and Assemblymen Drake, of Hudson, and Voorhees and Zabriskie, of Bergen, they dared the fates by bolting Sewell's nomination. There were plenty without them to elect Sewell; and Senate President Stokes made formal promulgation of the General's election as United States Senator McPherson's successor.

But the dynasty had felt the shock of the opposition; there

was need to patch it up in the shaken places. The General made haste to smother the eruption under an avalanche of "Whereases" and "Be it Resolveds," rushed to the loyal newspapers by all the County Committees and by the more numerous political clubs all over the State, denouncing Murphy and those who had gone down with him, flags a-flying, as "bolters" and "traitors" and wholly unworthy of future honors at the hands of true Republicans.

Mr. Murphy had sounded the bugle call to the war upon the Sewell fortress—and went home to await its fall.

General Sewell had already served a term in the United States Senate,—from March, 1881, to March, 1887. The Legislature that elected his successor in 1887 was that memorable one by whose votes Abbett had schemed to succeed him. It was a Democratic body; but a bitter factional fight among the Democratic members led the General to believe that he might creep in again. The Senatorial war eventuated in the humbling of Governor Abbett by the election of his venomous personal enemy, Rufus Blodgett. Blodgett was the Superintendent of the New York & Long Branch Railroad. He had been an Assemblyman from Ocean County, and his railroad affiliations had made him something of a power in middle-State politics. During his six-year term in the Senate he was at Sewell's beck and call; and his service there was so colorless that few remember that he was ever a Senator.

General Sewell was an Irishman by birth, who had entered the service of the Pennsylvania Railroad Company in his early boyhood and had risen step by step to a commanding position among its officials. Nominally, he was the Superintendent of the company's Atlantic City branch; but his influence in the main offices at Philadelphia was second only to that of the President. Its backing gave him the seat in the State Senate from Camden County, and the company's power in State politics put him at once among the State's leaders. For the many years he represented Camden in the State House scarcely a piece of legislation was allowed to reach the statute books without his "O. K." He was a trifle above the middle height, very straight and haughty in his bearing; imperious in manner; a man of few words, who talked in snappy, autocratic monosyllables. His forceful personality, backed by his large railroad alliances,

made him, during his service in the United States Senate, one of the most influential public men in the country.

United States Senator McPherson survived the loss of his distinction for only three or four years. Recognized, during his Senatorial terms, as a leader among the men of affairs in Washington, he died in Taylor's Hotel in Jersey City, with none but a hotel attendant or two about him. He left an estate of nearly a million to his widow. She followed him to the grave a few years later, and gave Aaron Baldwin, of Hoboken, who had been with McPherson in the butcher business in his early days, a life interest in all the property. Upon the death of Baldwin the estate was handed over to Yale College.

James Smith, Jr., Senator Sewell's New Jersey colleague, was a Democrat. The Republican managers were already figuring upon replacing him with a Republican, on the expiration of his term in 1899. The Senatorial gain they had made with Sewell and that which they expected to make in 1899 were regarded as of particular account because the outlook in the national field was that a Republican was to be chosen in 1896 to succeed Grover Cleveland in the Presidency of the United States. Then, with the State in full party sympathy with the new administration at Washington, Federal influence and patronage could be used for the perpetuation of their rule in the State.

The only commanding post that then remained to be seized was the governorship. Governor Werts's term was to expire in January of the coming year. They had nearly beaten him in the campaign of three years ago; the tide had since been moving with steadily increasing force in their favor. They had no sooner captured the Senatorial prize than they plunged hopefully into the preparations for the State campaign only a few months ahead. They had indeed already anticipated it in the work they had been doing on a State House sensation, through the explosion of which, arranged for the opportune moment, they hoped to overwhelm the Democrats, and take this last fortress of their power from them.

CHAPTER II

BARNEY FORD'S STATE HOUSE BAR

Senate Investigators Find Hurley's Discriminating Mice Under It, Mullins's Book-Slashing Ghost Behind It, and All Around It a Band of Jolly Fellows who Owned the State Treasury, Sold the State Offices, Dickered in Pardons, and Couldn't Really Believe That Their Partners and Assistants Could Have Been So Inexpressibly Wicked.

If there were any misgivings anywhere as to the continuance of the new régime that had come to the control of State affairs, they disappeared when the story of "Barney" Ford's State House café became known. Just who can have discovered Barney is pretty hard to determine at this late day, because all men rushed to disown him as soon as the tale of his Capitol bar was unfolded—the less they could convince people they had had to do with him, the less were they suspected of having been his partners in the venture. Michael T. Barrett, who became the Senator from Essex in 1891, was the most profuse and persistent apologist for "Poor Barney" when all Barney's friends—and confederates—were falling away from him, and might even accept the responsibility of having introduced him to the public service. That was in the days of Leon Abbett's administration as Governor. Having enlarged the State House to imposing proportions by the addition of the wing for the big white Assembly chamber, the Governor concluded that proper respect for its dignity demanded that it should be swept and dusted and spittoon-cleaned under the auspices of a high-priced Superintendent. And when he looked around for the high-priced dignitary Barney drifted in and was immediately pronounced the very man for the job. As Barney was credited to Essex, and as nothing could be credited to Essex without the consent of the Senator from Essex, the suspicion that Mr. Barrett, who was the Senator from Essex at the time, may have put "Barney" under Abbett's eye is measurably corroborated.

It is with no desire to depreciate Mr. Ford or to belittle his achievements that he is here uniformly mentioned as "Barney." The historian is forced to set him down as the greatest—of his kind—that Trenton ever knew. But he must be set down, too, as Barney, or his identity would be lost. It is doubtful if Barney himself would know that this story is all about him if it were written in the name of Mr. Bernard J. Ford; it is safe to say no one else would. It is far too severe a title for the "good fellow" rôle Barney played at the State House. It helped him in his business to have "the boys" slap him on the shoulder, greet him as "Barney," and ask him what he 'd have? Barney was always ready to have something; there wasn't, in fact, anything Barney wouldn't have. That was what Barney was after; and he had a fox's scent for it when it was around. Indeed, he was a foxy-looking gentleman,—slim, like the fox; lithe, like the fox; with the sharp-pointed face of the fox; the smile-deep air of geniality with which the fox may be supposed to beguile its victims; the faultless row of sharp ivories with which the smiling fox lures, and the fox grown ravenous afterward consumes its prey; and slick as a fox.

As Superintendent he came into personal contact and established personal relations with every visitor to the Capitol building,—with Governors and Senators and Assemblymen; with lawyers, judges, and clerks; with State Treasurers, Comptrollers, and all the what-not of State officialism; with the citizens who came to pass bills and those who came to beat them; with Sheriffs and Mayors and the whole retinue of local officials that found it necessary to visit Trenton during the legislative session. He lunched with the judges, conferred with the Governor, chaffed the department heads, swapped stories with their clerks, handshook with the stranger,—and they all voted him a mighty good fellow. He won so wide a repute for good fellowship that it came to Barney eventually that, for the perfection of his rôle, he should keep open house for his friends, and a stock of good things on ice or on tap for their refreshment.

As Boss of the State House he voted to himself two fine apartments,—richly curtained and rugged,—on the main floor just off the rotunda. And again as Boss of the State House he called the State House carpenter and directed him to build in

one corner of the inner apartment a buffet of mahogany, with heavy mirror glass framed over its slab of marble. It was a thing of beauty and a joy for a time, when it had been completed,—and glittered with an array of cut glass,—wine glasses and goblets and decanters. Its heavy mahogany doors opened to a closet filled with all the nectars of the day. It was a "free treat" for all comers. Barney welcomed them all and bowed them to the place of the flowing bowl, and chaffed with them while they sipped. The place became famous for its open hospitality; and the crowd grew and grew with the opening of each week's legislative session till the two quiet rooms could no longer hold them all, nor could the stock in the closets refresh them all.

And then, to meet their demands the better, he called the carpenter again and directed him to build again in the cellar underneath a monster ice box for the cold storage of the needed things that his buffet could not hold. The builder built as directed. The sound of his hammer had scarce died away before the new receptacle became filled, as if by magic, with the choicest products of the vineyards of the earth. The revelry went on more furious than ever away into the small hours of the mornings, and more uncounted thousands acclaimed Barney as the "Best Fellow Ever."

The royal entertainment of Barney's State House bar so enhanced the splendors of the Democratic administration of the times with the parvenu element to which it looked for votes that no one dared, if indeed any one thought, to ask whence came the funds that made it all possible. But some of the Republican chieftains who had observed that the State House expenses had climbed from $19,000 in 1888 to $71,000 in 1894, advised the Republican State Committee that good campaign material might be found in Barney's bar, and a corps of experts was set to work upon it.

They were not long in learning that Barney's bar was maintained chiefly as the sporting center of a coterie of public plunderers whom he had gathered around him. Traces of the participation of some state officials of high degree were found, and of course Barney was not overlooked in the distribution of the spoils. There was so much of it for Barney, in fact, that he had to make a sort of family affair of it. His wife's uncle

had helped him draw some of it, and when Barney himself could not attend a round-up for the division of the plunder, he had his daughter there to receive his share for him.

The legislative session of 1895 was at hand by the time the Republican probers had pushed their enquiries far enough to satisfy them that an official investigation would be profitable. Governor Werts's term was to expire in January, 1896. His successor was to be elected in the Fall of 1895. A crowd of Democratic State officials, with their arms to the shoulders in the State's cash box, was a spectacle the Republicans could not be expected to hide, and a month after the Legislature had convened the Senate ordered the enquiry to proceed. Voorhees, of Union, was made chairman of the special committee named to conduct it. Senators Ketcham, of Essex; Herbert, of Middlesex; Skirm, of Mercer, and Daly, of Hudson, were made his associates by President Stokes's appointment. Daly was the only Democrat permitted to serve on it. The committee organized, with Charles H. Levy, a Trenton editor, as its clerk, and invited ex-Assemblyman William H. Corbin, of Elizabeth, to act as its counsel. Mr. Corbin was accounted one of the ablest lawyers in the State. He was a close relative of General U. S. Grant, and a law partner of the afterward Supreme Court Justice Gilbert Collins, of Jersey City. The firm had an enormous practice, and Mr. Corbin questioned whether he could spare the time for the scrutiny and inquisition the acceptance of the committee's call involved. He had, however, a few years before exhibited consummate skill as an investigator, when acting as counsel for the Gardner committee that exposed the startling conspiracy of the ballot-box stuffers in Hudson County, and the committee's sense of his fitness prompted it to urge him with large inducements.

Mr. Corbin finally consented to assist, and he went to work with an energy all his own. For three months or more the public was served with the details of the most startling system of robbery to which the State had ever been subjected. Barney was the "go-between" in some cases; the collector for the looters in others. But the committee uncovered incidents in which he had no part and which had involved the State in heavy losses, and the manipulation of even the Court of Pardons in the interest of powerful party malefactors and the sales

of pardons to others not so powerful were features of its revealing processes.

The ghost that tore out the vital pages of John Mullins's ledgers in his Jersey City storehouse, and "Mike" Hurley's discriminating mice that carefully nibbled away all the pages of his books containing state accounts and left all the rest, were the points *de résistance* of the enquiry. Hurley had been a big Abbett-régime political factor in Trenton. He was a contractor in all lines in which he chose to compete,—one day, coal; the next, a building material man. His bills indicated overcharges, the committee declared in its report; when the committee hoped to ascertain from his books the names of those among whom the overcharge profits had been divided, it was told that the Mayor's learned mice had cultivated a special palate for just those pages of his books which the committee desired to scrutinize, and had devoured them all.

Mullins was a millionaire furniture dealer in Jersey City. He was active politically, and had once run for Sheriff to win the distinction of being the only Democrat who had been beaten for that office in the county in many years. He came upon the scene at a time when there was a mighty mania at the State House in the furnishing line. Barney had dumped out all the "old" furniture and replenished with a lot of new that was not half as good, but cost many times more. And some of it had even found its way to the houses of some of the State officials. Mullins's books were slashed up the night before the committee called to get them. The identity of the slasher was so hazy that the committee's counsel satirically attributed the mutilation to a ghostly visitation.

Even State Comptroller William C. Heppenheimer caught the "new furniture" infection and persuaded his fellow department chiefs to instal new metal file boxes in their several offices. The committee accused the Comptroller of having carried this little enterprise through in "collusion" and "in the face of the protests of other State officials against waste," and charged that "the State paid $27,817 for the construction of pigeonholes, etc., which could easily have been obtained for $7500." Heppenheimer, who was a man of large wealth, was Governor Abbett's closest friend socially and politically, and the committee found special delight in inserting its probe wherever he

was seen. So, in another part of the report, he is charged, in connection with a German printing contract award, characterized in the report as a "downright conspiracy to defraud the State," with "collusion with the conspirators or having been excessively stupid and indifferent to the State's interests."

Heppenheimer, however, was not alone among State officials whom the committee criticized. Col. John T. Van Cleef, Secretary of the State Board of Assessors, was found to have collected some thousands of dollars from the State for railroad maps which the State had had printed at its own expense, and even then to have collected for 41,000 copies when only 6000 had been put in press. Joseph D. Hulme, a Republican employee of the State Treasurer's office, was exposed as having carried the State deposits to a country bank in the Burlington County town in which he lived, and as having accepted as a reward for his partiality an interest allowance on its daily balance.

The report criticized the expenditure of $232,000 on the rebuilding of the Assembly chamber, "under the immediate supervision of the Governor," by an "architect" who was professionally a civil engineer,—an ex-Assemblyman who had been a devoted adherent of the Democratic régime of the day, and reported that the installation of the ventilating apparatus, for which the State had paid $47,000, would have been extravagance at $27,000. "The evidence," to quote the report, "indicated gross overcharges and the payment of commissions on the work."

The State Board of Arbitration enquiry was made sensational when Counselor Corbin plumply charged ex-Senator William H. Martin, of Hunterdon County, with having taken bribes from Louis D. Roberson, whom the ex-Senator had persuaded Governor Abbett to appoint to a seat on the Board. The Board itself was accused by the committee of having made endless charges for mileage when its members travelled on the free passes with which the State compels the railroads to supply its officials. This revelation was all the more accusing when it was shown that they had sat in only a single case.

When ex-Senator Martin was on the stand Mr. Corbin confronted him with a number of State salary checks drawn to Roberson's order, which Martin, though himself President of

a bank in Frenchtown, had had cashed in Trenton and Philadelphia.

"Senator," exclaimed Corbin as soon as the round little red-faced Senator had mounted the witness stand, "you received from Mr. Roberson some of the money paid to him as State Arbitrator!"

"Never got a cent from him," the ex-Senator puffed in answer.

"Do you wish that answer to stand?" was the significant question with which Mr. Corbin pointed his answer. Then he read the clause in the resolution that created the committee, in which it guaranteed immunity from prosecution to State witnesses.

"Now, Senator, I ask what you did with the money Roberson gave you for securing his appointment," Mr. Corbin persisted.

"Never received a cent," Martin snorted.

Mr. Corbin plumped checks drawn to Roberson's order and cashed by Martin at him, and kept him squirming on the stand for over an hour in fuming attempts to exculpate himself.

Of Hugh Kinnard, a Newark painter who had been a Democratic Assemblyman in the Abbett era, the report noted that "more than $10,000 had been paid to one painter upon bills with false entries for labor and material." Kinnard, when grilled on the stand, declared that that wicked bookkeeper of his must have gotten rich on the spoils. He was distressed to know that the bookkeeper disappeared just at the time when Mr. Kinnard would have been so delighted to have had him on hand to explain.

"I can't believe my bookkeeper can have done anything so crooked," he whined when confronted with the telltale records of his books. "Why, gentlemen, I had the most implicit confidence in that man."

The committee felt, however, that the most unsavory of all the scandals it had unearthed were those in connection with the granting of pardons to the sixty ballot-box conspirators whom Justice Lippincott had sent to the State prison from Hudson; of the Guttenberg race-track proprietors, and of Eva Ray Hamilton. The ballot-box stuffing industry was one of the protected industries in Hudson County. The grand juries, selected

by the Sheriff whom County Boss Davis had nominated, had persistently refused to indict for election frauds. In 1889 these became so glaring that the Senate sent Senator Gardner, of Atlantic, at the head of a special committee to enquire into them. "The Senate," the report says, "laid bare an astonishing conspiracy in which more than 100 election officers, besides city and county officials, were involved. The great guilt of the prisoners had been twice made manifest by the Senate investigation and by their own trials, and the punishment was deemed lenient. And yet without any petition from citizens, without the interference of counsel for either prosecution or defense, the Board of Pardons of their own motion made the releases."

The remittance of the penalties imposed by the Hudson County Courts upon Dennis McLaughlin, Nicholas Crusius, John Carr, and Frederick Walbaum, proprietors of the all-year-round race track at Guttenberg, was noted in the report as even a more scandalous abuse of the pardoning prerogative. McLaughlin had been County Clerk and Boss of Hudson County till he voluntarily surrendered the reins of power into "Bob" Davis's hands. He had become interested in the Guttenberg track, and was getting rich so fast that he did not care to play the rôle of leader any longer. The track was one of a half dozen scattered all over the State, that attracted great hordes of thugs and gamblers. One of equal importance with that at Guttenberg was operated at Gloucester City by "Billy" Thompson, known as the "Duke of Gloucester." Public indignation over the invasion of the State by the touts and rabble that followed the tracks had impelled the judges to ask the grand juries to denounce them as "disorderly houses," indict their proprietors, and close them.

These appeals fell on deaf ears. The jockeys finally seized control of the Legislature, made Flynn, the starter at Thompson's track, Speaker of the Assembly, and so violated all the public decencies by their reckless outlawry that the people rose en masse, hurled the legislature from power, and sent to Trenton another to outlaw all the race tracks. So that an act to that end might not be repealed by a subsequent legislature, the people "put it in the Constitution." The popular uprising, one of the most arousing in the State's history, was organized and

WILLIAM H. CORBIN

Whose work, as counsel of the Voorhees Committee, uncovered the great frauds of the Abbett regime

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directed by Richard V. Lindabury, then a prominent Democratic lawyer in Elizabeth, and the venerable Dr. Kempshall, a noted Presbyterian minister of the same city, was the picturesque "fighting parson" of the militant citizenship. In consequence of these upheavals, the tracks were forced to close their gates. Even the great course at Monmouth Park, that had drawn the beauty, fashion, and wealth of the East to Long Branch for years, passed into history.

A retributive sentiment, bred by the excitements, demanded the indictment of the crew that had brought the State into an infamous notoriety, and the judges importuned grand juries to present them. The result was always the same. The grand juries had apparently been foresworn to protect, and no bills were handed in. In a burst of indignation over the recalcitrance of one grand jury, Supreme Court Justice Knapp fell dead on his bench in Jersey City while denouncing its members, and the stolid public of Hudson County, touched at last, demanded the punishment of the Guttenberg track managers. The two years' limit for the presentment of bills was approaching its end. A few days more and McLaughlin and his partners would become immune by the statute of limitations. They had begun to feel safe, when, on the very last day of the two years, a grand jury that even Davis could not withhold handed them over to the Court for trial.

The four were promptly convicted. They appealed. The Court of last resort affirmed their convictions. Their removal to the State prison would have followed at once, but for a delay, that may have been prearranged, in the formal entry of the judgment against them. "The Court of Pardons was hastily convened," the committee's report says, "and their imprisonment was remitted within forty-eight hours after the Court of Errors had condemned them. They were instantly freed without serving a day in prison."

The record of the Court shows that Chancellor McGill and Judge Clifford S. Sims voted against the pardons, and Governor Werts and Judges John W. Bogart, H. H. Brown, Gottfried Krueger, Albert Tallman, and George T. Smith, for it. Two of these had been appointed, just before the pardon was acted upon, to fill long-standing vacancies in the Court of Errors. Their appointment needed the confirmation of the

Senate. The prevalence of a report that they had been rushed to the Errors bench to vote for the pardon led the Senate to reject their nominations. After the Senate had adjourned for the session Governor Werts renamed them to serve *ad interim*. The State resented the Governor's defiance of its aroused moral sentiment by, two years later, ordering into the State Constitution a clause forbidding a Governor to appoint, during a legislative recess, a nominee whom the Senate had refused to confirm.

State Comptroller Heppenheimer was instrumental in securing the release of Eva Ray Hamilton. She was the hot-tempered wife of a millionaire society man of New York, and had been sentenced for inflicting a knife wound upon him at the end of a violent domestic jangle. Col. Charles W. Fuller, of Bayonne, her counsel, had asked the Board to pardon her; but the appeal failed. "Two members of the Board afterwards told her counsel," the committee writes, "that they favored the pardon, but that the Governor was the stumbling-block. . . . The Governor sent for the prison keeper," the report continues, "and told him that he did not think the present counsel could succeed, and that if the prisoner wanted a pardon, she had better retain a certain other counsel. The suggested counsel was retained at a cost of $1000, and at the next meeting of the Board, twelve days later, the pardon was granted."

Comptroller Heppenheimer, on examination by the committee, said he had talked to some members of the Pardon Board about the pardon. When quizzed as to his $1000 charge for so slight a service, he assured the committee that he was not in the law business for his health.

The less sensational and less incriminating close of the inquiry was devoted to a scrutiny of the fees upon which State and county officials were growing rich. These were shown to run up into the tens of thousands a year for each of them. Though these developments cut small figure in the popular eye, they were the inspiration for a change from the fee system to the salary system of recompensing officials. At first it was applied only to State officials, but it has since been extended to the inclusion of all county officials as well.

Disclosures that Governor Abbett had, under a law he had passed, made the Governor, to an unusual extent, the master

of the State Treasury, led to the enactment, by the Legislature of 1895, under Senator Voorhees's lead, of a law forbidding the disbursement of any State moneys unless specifically appropriated in an annual appropriation bill. The Legislature of 1894 had tried that system experimentally; it worked out so satisfactorily that the State adopted it. Governor Griggs afterward declared the system to be so admirable a check on the waste and misuse of State funds that it should never be abandoned; and experience with it since shows it to be one of the most valuable enactments of recent years.

CHAPTER III

REPUBLICANS SPRING TO THE SADDLE

Sewell Wants Kean for Governor, but Hobart Names Griggs, and Elects Him Over McGill by an Unprecedented Majority—Rogers's Wig in the Campaign—Banker Young Put McGill Afield for the Democrats.

It would be unsophistication to say that the revelations of Democratic scandals by the Voorhees committee were not planned with a view to the effect they might have upon the struggle between the parties, that came in the following Fall, for the Governorship. The Legislature of 1894 might as well have made the nauseating exhibit. But it would have grown stale and lost its flavor in the year and more that came between its sitting and the opening of the gubernatorial campaign. It therefore excused itself for its failure to look for what every one knew was to be found with the plea that it had not the time; and the Legislature of 1895 took pains to see that the inquiry thus deferred was prolonged almost up to the hour when the gubernatorial conventions were to meet.

A foretaste of the campaign was had when, during the early days of the session, Senator Maurice A. Rogers, of Camden, offered in the Senate a bill designed to forbid the appearance in nun garbs of the Sisters engaged in teaching the classes in the parochial schools. He managed to get it out of committee, and its appearance on President Stokes's calendar provoked a warm sectarian debate.

"If we pass this bill," exclaimed Senator Bradley, of Monmouth, with the energy and noise of an exhorter, "future generations will rise up and call us blessed."

"Why," returned General Skirm, "if we were to pass it, even the Quakeresses of the State would be legislated out of their gowns of gray."

The bill had the votes of only Senators Bradley, Packer, Rogers, Ross, and Staates to its credit on final roll-call, and

it was ingloriously defeated. But all the purposes of its introducer had been answered by its presentation. The Camden Senator had caught the idea that the accident of his Presidency of the Senate of 1894, which the hold-over Democratic Senators had attempted to shut out of the State House, had made a sufficiently conspicuous figure of him to justify his aspirations to gubernatorial honors. He was high up in the councils of the American Protestant Association, which, whether justly or not, is regarded popularly as a proscriptive anti-Catholic order; and his sponsorship of the anti-nun bill was looked upon as his bid for the support of the order in his campaign. The association is said to have a membership of many thousands, and their combined support of a candidate would, if it could be secured, be of enormous benefit to him. There may have been a time, away back in the old "Know Nothing" days, when the organization was serviceable to the politicians, but fruitless efforts, before and since Rogers's time, to draw it into the maelstrom indicate that the days of its political activity have passed.

The Camden Senator evidently thought, however, that enthusiasm for the anti-nun bill would arouse its slumbering energies, and that its members would go rolling to the polls for the election of delegates pledged to his nomination. For the rest, he depended in his canvass upon the favor of the big chieftain of the West Jersey Railroad office, whom he had just helped with his vote to get back into the United States Senate, and—quite as much, maybe—on his good looks. For it must be confessed President Rogers was really a handsome man—and that, too, in spite of the absence of so much as a single hair on his scalp,—not one from eyebrows to the nape of his neck, longitudinally; not one from ear to ear, speaking latitudinally. The dames who crowded the overhanging galleries to look down on him as he led the Senate through its routine of motions and resolutions were quite agreed, indeed, that his baldness enhanced his beauty—it displayed the wonderful shapeliness of a head that would otherwise have been lost to view in a bushel of less becoming hair.

When the Senate reassembled one Monday evening, to open its session for the week, the Senators looked in vain for their bald-headed presiding officer, and eager questions flitted

around the gallery circle as to what could have become of the handsome Rogers, and who the coiffured gentleman in his chair might be. Only when, after the sitting was over, one who had penetrated the disguise hailed him as "Rogers" did the astonished gallery discover the identity of the intruder. His colleagues flocked around him, in chattering eagerness to hear the story of the tonic that had found him bald on Friday night and sent him forth with a bush a-top on Monday. He frowned indignantly upon one who ventured to compliment the tonsorial skill that had fitted him with so deceiving a wig. Now, when he entered upon the gubernatorial campaign, the temerity that had enabled him to sit with all his hair under the eyes of a gallery that had seen him balder than Bill Nye twenty-four hours before was expected to carry him a long distance towards the winning point.

It may have helped a little. But the attitude of General Sewell as to his candidacy was far more decisive; and Sewell was not agreeable to his gubernatorial ambition. He had concluded that the nomination, which had gone to Congressman John Kean, Jr., of Union, in the hopeless campaign of 1892, should go to him again that year, when there was chance of Republican success. Mr. Kean had demonstrated his popularity and exhibited his qualities as a campaigner by achieving a series of triumphs in Congressional contests in a strong Democratic district, and in the Camden chieftain's estimation he was the more available man for the race of that Fall.

In the upper part of the State there was revolt against both Rogers and Kean. The Essex Republicans were growing more impatient of the Camden domination. Franklin Murphy's challenge of Sewell's inalienable right to a seat in the United States Senate had been the first symptom of an open rupture between the two forces in the two ends of the State, and it was largely due to his influence that Mr. Elias D. Ward was pushed on the scene as a distinctive Essex candidate for the honors of the coming convention. Mr. Ward was a big figure in the politics of North Jersey. He was set, besides, in financial surroundings that meant the friendship of powerful interests. He was identified with the great Prudential Insurance Company, whose President, the late Senator John F. Dryden, was noted in financial columns in later years as one of a handful of

men who practically control the monetary interests of the American people. Mr. Murphy, who was no less a power in business and a much keener operator in the field of politics, induced the Republican County Committee of Essex to declare for Mr. Ward. As Essex is the richest and most populous county in the State, her support gave Mr. Ward a commanding position among the aspirants at once.

The preliminary campaign had been made up on these lines when there came a disturbing voice from Passaic. Ex-State Senator John W. Griggs had confided his ambition to be Governor to his fellow-townsman, Garret A. Hobart. Mr. Hobart had long been looked upon as a rising rival to General Sewell for supremacy in the party. Mr. Hobart was not unfriendly to Mr. Murphy's view of party politics, and he would have been well supported by the powerful North Jersey influence if he had ever asserted himself in any one of many years past. But he was a modest man, and had made it a point to refrain from antagonizing General Sewell. But for his help, indeed the General might not have reached the United States Senate for the second time. Thus the Camden chieftain and the unobtrusive Paterson magnate had been regarded by all, except those on the inside, as allies. And now, when ex-Senator Griggs proposed to challenge Kean's candidacy for the Governorship with his own, Mr. Hobart saw that to help Griggs would be for himself to challenge the leadership of the man whose domination of the party had been unquestioned for more than two decades. His disinclination for strife tempted him to discourage Mr. Griggs's aspirations. But Griggs is a man of great force, and he finally persuaded his amiable fellow-townsman to aid him.

His yielding was partly due to the closeness of his relations with Mr. Griggs, but more to his sense of Mr. Griggs's eminent fitness for any public distinction he chose to seek. Mr. Griggs had studied law in the office of Socrates Tuttle, the father of Mr. Hobart's wife. Mr. Hobart had aided him to gain a seat in the Assembly as representative of one of the Passaic County districts. He had helped, too, to elevate him to a seat in the Senate as the representative of the county. In law Mr. Griggs had, almost at the first bound, leaped to the front rank of its practitioners. Even in his youth as an

Assemblyman he had done more than almost any other statesman to fashion the new system of laws that the new Constitution of 1875 called for. Later, in the Senate, he had measured swords with the domineering Abbett on the railroad equal tax revision, and had left his impress there. He had a caustically eloquent tongue, and was esteemed one of the most brilliant debaters in the State. Even a man of Allan McDermott's brain and tongue shrank from an encounter with him.

The appearance in the field of one whose gifts were so universally recognized gave the old-time workers a shock, and when it became known that Mr. Hobart was favorable to him, and had even undertaken the conduct of Mr. Griggs's campaign, it was realized at once that the long-deferred struggle between the North Jersey and the South Jersey forces for the ascendancy was on at last. It was the beginning of the end of the Sewell regency.

Meanwhile the Democrats were quite busy preparing for the struggle, though with less hope. The loss of both houses could be traced directly to the popular disgust with the season of Democratic misrule; the attempt to steal the State Senate, and the exposures of the early Spring had only served to intensify the popular distrust. It became evident to the Democratic managers that there was absolutely no hope of the election of a Democratic Governor unless the candidate were of the highest type of the State's citizenship, and Allan McDermott thought there was so little chance, even with a standard-bearer of that character, that he was insisting upon laying down the chairmanship of the Democratic Committee, which he had filled for many years with an unbroken chain of party successes to his credit. Then, too, McDermott was himself a protégé of Governor Abbett, under whose administration the vices exposed had been most rampant; he was identified with the discredited régime, and perhaps he thought that under the circumstances his withdrawal from public view might not be without its party advantage.

His loss of interest left the party without the masterful leadership that had kept it in power, and the search for a nominee who in his station, attainments, and career would command the popular confidence went on in a desultory and half-hearted fashion. There was no one to say "no" to any

aspirant who chose to offer himself; every one felt that he could enter the list against the Republican field without fear of being pushed into the background. The canvass of names pointed to that of Augustus W. Cutler, of Morristown, as perhaps one that might be conjured with. Mr. Cutler was a conspicuous lawyer, but he was a ruralist and particularly strong among the farmer element. He was of the highest probity, and as close to the hearts of the common people as Joel Parker had been years before. His friends found his name so acceptable that they urged him to become a candidate, and he allowed it to be known that he would have no objection to the use of his name.

If any of the old-time leaders had been in the saddle while the campaign was in its formative state, it is not likely that Mr. Cutler's boom would have grown as it did. He was not one of the pliant public men whom the masters in politics could bend to their often sinister purposes. He had a mind of his own and a will of his own, and was more apt to resent than to yield to their efforts to manipulate him. But his popularity made his candidacy tolerable to them, and the half-hearted party workers had settled down to the conviction that it was to be "Old Gus Cutler" when a sudden movement for the nomination of Chancellor Alexander T. McGill was sprung.

This unanticipated development came from Hudson County, where in Jersey City Chancellor McGill made his home, and it derived importance from the activity of Edward F. C. Young in the Chancellor's behalf. The indifference of those who had been the larger factors in party management encouraged Robert Davis, the Democratic leader in the county, to aspire to State leadership. Mr. Young was the President of the First National Bank in Jersey City. The bank, with its long line of depositors, was the ruling power in the business life of the county. Mr. Young had nursed the infant enterprises of many of them into vigorous industries. Their obligations to him made his word law to them. Davis was one of those whom he had thus patronized. They became allies; Mr. Young had the business machine of the county under his thumb; Davis was in undisputed command of the political machinery of the county. The combination was locally irresistible.

Mr. Young had himself been the beneficiary of the favor of the Chancellor. Years before, when the Dixon Crucible Company tottered, the Chancellor had named Mr. Young as its receiver. When he had rehabilitated the company Young was made its President. That receivership was the foundation of the fortune of millions that Mr. Young left at his death, and he sought to reciprocate the friendship which had been so valuable to him by securing for the Chancellor the first place in the State. The bank president was not counting upon the support of Hudson County alone in the political task he set before himself. He himself had made an excursion into State politics as a candidate for the Governorship before the convention that named Werts in 1892, and had become well known throughout the State. Beyond that he was the fiscal agent in upper Jersey of the Pennsylvania Railroad Company, and he was able to marshal the forces of that vast organization to his aid. It was of less account that he was on terms of the closest intimacy with Werts, who was still in the executive chair, and the Governor was not reluctant to back him with the State powers that the Republican legislatures of the last two Winters had not taken from him.

Thus those who knew most about it were not a whit surprised to see the Chancellor's candidacy soon overshadow that of the Morris County aspirant. But Mr. Young deemed it good politics to defer the meeting of the Democratic State Convention till the Republican Convention had made its deliverance. If the Republicans picked the flower of their party for their nomination, that would be a new argument for the selection by the Democrats of a standard-bearer of the attainments and of the renown and spotless character of the Chancellor; and so his triumph in the Democratic Convention could be the more easily achieved.

By the time the Republican State Convention met at the Taylor Opera House in Trenton—on September 19—Senator Rogers, with his illusive A. P. A. backing, had practically been counted out of the running, and the battle was between Mr. Kean, ex-Senator Griggs, and Dr. Ward. The gossip of the hotel corridors on the night before the gathering foreshadowed the selection of Mr. Kean; and the Sewell forces seemed to be in such absolute control of the Convention that

the evening newspapers of convention day reported from the scene of the battle that the Union County Republican was certain to win.

Franklin Murphy, as chairman of the State Committee, called the convention to order, and Congressman Mahlon Pitney, of Morristown, was made temporary chairman. Mr. Pitney was an exceptionally eloquent platform orator, and his address on taking the chair stirred the thousand delegates into uproars of enthusiasm. Mr. Pitney, while not aligned particularly with either the North or the South Jersey influences, was disposed, if either way, to sympathize with the North Jersey element. The organization work which proceeded under his lead was not, at any rate, unfavorable to that interest. The Newark influence became manifest when John Franklin Fort, of Newark, was chosen for permanent presiding officer.

When the order of nominations was reached William M. Johnson, the Bergen Senator, made a snappy address that put the name of John W. Griggs before the delegates. The voluble Joseph Engard, of Camden, named Maurice A. Rogers. John S. Gibson, of Essex, presented Elias Ward's name. Senator Stokes, of Cumberland, spoke for his friend and fellow-Senator, Foster M. Voorhees, of Union. Mr. Kean was named by chairmen of several delegations. Rogers dropped out of sight on the informal ballot. The movement of the voting revealed Hudson and Essex as the pivotal counties in the struggle. Essex was committed to Ward's candidacy, but 100 of the 145 delegates were for Mr. Kean. Indeed, Mr. Kean's campaign managers on the floor were Major Carl Lentz and Dr. H. C. H. Herold, of the aggregation from that county. The 100, if their votes could be counted, would put Mr. Kean in nomination. They cried to be released, but the Ward managers held them to their pledge. On the third ballot the nearly 100 delegates from Hudson plunged over to Griggs and made him the party's candidate. Secretary John Y. Foster's announcement of the result of that ballot showed 388 votes for Mr. Griggs; 260 for Kean, 49 for Voorhees, and all the 145 of the Essex votes for Ward. Dr. Ward was sorely disappointed by the outcome, but Mr. Kean, accepting the situation with native grace, hastened to the platform

to promise his best efforts for the election of his successful rival. Mr. Griggs, summoned to the platform, declared in a breezy address of thanks, that he would go into every part of the State and make a speech wherever he found a man who would listen to him.

Banker Young found in the selection of Griggs a strong argument in favor of his candidate before the Democratic Convention. State Chairman McDermott called the delegates to order when they assembled in the same hall, a week after the Republicans had met there. Samuel Kalisch, later a Justice of the Supreme Court of the State, was made temporary chairman, and the Committee on Organization made Howard Carrow, of Camden, permanent chairman. Oscar Keen, of Essex, put Chancellor McGill in formal nomination. Prosecutor Eckard P. Budd, of Burlington, named Judge Clifford Stanley Sims, whose vote, with McGill, against the pardon of the Guttenberg race track men had won a State-wide reputation for him; Mr. Cutler was named by Col. E. L. Price, of Newark, and, as a matter of compliment only, ex-Assemblyman Van Syckel, of Cumberland, named ex-Senator Philip P. Baker, of that county. The trend of sentiment was all for McGill, and the Chancellor was named on the first ballot. Having named Mr. Young's candidate, the party designated Mr. Young as chairman of the State Committee to conduct the campaign for his election. The campaign had not fairly opened before it became apparent that even the high character of the Chancellor could not save the Democracy from the defeat its party sins had invited, and that Mr. Griggs was to prove an easy winner. The Chancellor himself did not think his chance of election sufficiently luring to tempt him from his seat on the bench, and he abstained from active participation in the canvass. Ex-Senator Griggs, true to his promise to the convention that named him, opened a canvass that was tireless before a society crowd that thronged an amphitheatre in Newark a few evenings later. Predictions of his election were startlingly realized at the polls in November. The majority of more than 26,000 by which he defeated the Chancellor was the record majority cast for any gubernatorial candidate in the entire history of the State.

CHAPTER IV

REPUBLICAN JUBILEE AT STATE HOUSE

Inauguration of Griggs, the First Governor the Party Had Had in Thirty Years, Draws Vast Throng—Henry C. Kelsey's Retirement Symptomatic of the Change That Had Come to the State—Anti-Gambling Amendment Has Narrow Escape.

Senator John W. Griggs came to the Governorship with a unique record of achievement behind him. He had been the most forceful man known to the public life of New Jersey in more than a quarter century. He was tall, slim, straight, proud, overbearing, with chiseled features that bespoke his power. His individuality was as compelling as Abbett's had been. But Abbett was the crude stone; he, the polished gem,—as cold and hard as the Great Commoner of the Democratic days, but scintillating and dazzling. Abbett's magnetism warmed; one stood off, awed, from Griggs in action. The State House had never known a more eloquent tongue, nor a more biting one, nor a more subtle one. It was not his to persuade; he overpowered. His argument was mathematical in its orderly procession to the unerring conclusion. If a crisis was to be met, he planned the way with merciless accuracy. He was an intellect in a mold of ice.

So masterful a man could not but be a force in the affairs in which he concerned himself. He had dominated legislatures, whether he was in them or out of them. In the days when, years before, Abbett had started out to strip the railroads of their irrepealable charters, Griggs, young in the Assembly, fashioned his policy so that Abbett was never afterward able to say whether it was Griggs or he who had produced the results. In the other days, when a legislature was stolen to send Abbett to the United States Senate, Griggs took it by the throat and turned it from its purpose. His indomitable personality had lifted him from the farm in Sussex to

the first place among the powers of the State. But he had been greater in the arena than he was now on the Judge's stand. To be a Governor could add nothing to his stature or his prestige. It lifted him from the arena in which he had been resplendent. He could no longer be the gladiator whose shining achievements filled the amphitheatre to the eaves with admiring multitudes at his every appearance.

The advent of this remarkable man to the State House was the signal for an outpouring of party enthusiasm that quite outmatched anything the State had seen. He was the first Republican to reach the Governorship since the days of the Civil War. Trenton was overrun by marching clubs and resonant with fife and drum all the day in January, 1896, set for his inauguration. The Legislature, Republican in both branches, with Lewis A. Thompson, of Somerset, in the Senate President's chair, and Louis T. De Rousse, of Camden, as House Speaker, was devoted all the week it had been in session to preparations for the ceremony. Every road in the State led to Trenton, when the day arrived. The facilities of the railroads were taxed to their capacity to carry the jubilee crush. Camden, Newark, Paterson, Elizabeth, New Brunswick, Jersey City, sent companies of marchers, and they rolled into town with gay banners fluttering over their heads and bands in endless succession, setting the stroke for their feet in catchy ragtime jingles. Trenton, aroused from her slumbers, bedecked herself with bunting and streamers and festoons, to welcome the army of visitors, and then poured out into the streets to salute the new party and acclaim its chosen chieftain.

The multitude was almost riotous in its rush for admission to Taylor's Opera House, when the doors were thrown open for the inaugural exercises; and when the last inch of its space had been taken, the streets were still black with thousands who had not been able to get in. The proscenium boxes were gay with the gowns of society women come to look on, and the stage thronged with the flower of the State's Republican citizenship. Governor Werts turned the Great Seal of State over to his successor and the State over to its new Republican rulers in a felicitous address. Governor Griggs entertained the multitude with a breezy inaugural. The feature of it that attracted widest attention was his reference to the multiplica-

JOHN W. GRIGGS

Governor 1896-1898, and Attorney-General of the United States 1898-1901

tion of needless, often conflicting and sometimes harmful laws with which the Legislatures were too ready to clog the statute books, and his assurance that in the treatment of passed bills only those demanded by the public welfare would secure his approval.

Governor Griggs's immediate quest for a new Secretary of State to succeed Henry C. Kelsey came as another notice to the passing régime that its days of pomp were ended. Mr. Kelsey had come from his editorial desk in Sussex County to the second office in the State in 1870 on the invitation of Theodore F. Randolph, who was then Governor, and had served with rare distinction under Governors Parker, Bedle, McClellan, Ludlow, Abbett, Green, and Werts for the twenty-five years of Democratic rule he had been chiefly instrumental in perpetuating. His quarter century term of the office exceeded by ten years the period of service of any of the eleven who had gone before him, and considerations of efficiency, experience, and acquaintance with details would have justified his retention even under a Republican Governor.

But Mr. Kelsey neither expected it nor would have consented to it. He regarded the office as part of the spoils of party, and when the expiration of his six-year term fell within the period of the administration of a Governor of the party he had so skilfully opposed, he made ready to step aside for a successor. The selection of the new incumbent was prefaced by endless speculation among the public men as to who he was to be. But Governor Griggs, pushing aside all the political arguments for this aspirant or for that one, chose to regard the appointment as a personal one, and sent the name of George Wurts, a brilliant editor in his home city of Paterson, to the Senate for confirmation. Mr. Wurts had been Secretary of the Senate some years before, and the courtesy of the immediate confirmation of his nomination for the State Secretaryship was accorded to him. Mr. Kelsey's political activities ceased with his retirement from the office. He turned his attention to business, and is yet one of the most potential industrial, commercial, and financial factors in middle Jersey.

Even a more forcible reminder of the passing régime came in the popular adoption of an amendment to the State Constitution aimed at race-track gambling and gambling in all

other forms. The amendment was the outcome of the furious excitements that had followed the capture of the Legislature of 1893 by the race course touts. That Legislature, which had made "Tom" Flynn, the $100 a day "starter" on "Billy" Thompson's track at Gloucester City, Speaker of the Assembly, had opened the doors of the State to an invasion of horse gamblers; had multiplied the "skate" tracks, as they were called, because horses were run on them even over the ice, and had brazenly defied the moral sentiment of the Commonwealth by revolting excesses in law-making. The crowd that had given the State over to the low mob had been routed, and to prevent a recurrence of the saturnalia, the Legislatures of 1896-7 directed that the sense of the people be taken on a constitutional amendment forbidding the passage of any law countenancing gambling in any form. The Legislature of 1897 prepared the amendment for submission to the people.

It was assumed that, because of the sentiment aroused by the incidents that had suggested it, the amendment would be carried by an overwhelming popular majority, and some statesmen, who were interested in an effort to amend the Constitution in other respects to their liking, tacked on to it other new clauses for the State's charter that they hoped would swing through the polls with it. Their calculations were disappointed in the outcome of the special vote. The anti-gambling amendment itself barely escaped defeat. The 70,443 votes that were cast in its favor were all but matched by the 69,642 votes that were cast against it. The amendment was saved by the narrow margin of 801 votes in its favor in a total poll of 140,000. The other amendments, aimed at a reorganization of the Court system, were defeated by pronounced majorities, and the only other change in the Constitution that was helped by the supposed popularity of the anti-gambling clause was that forbidding the Governor to appoint *ad interim* any nominee for a State office whom the State Senate had rejected.

The presentation in one house or the other, during Governor Griggs's term of service, of a series of bills, evidently inspired by the North Jersey Traction Company, which operated most of the surface lines in Hudson and Essex Counties, was the first thrust into State affairs of a hand that subsequently became a recognized power in politics. A little time

previously a Lackawanna train, dashing into a trolley car, had killed twenty or more young men and women on their way to their class rooms in a Newark high school, and some of the bills were evidently designed to ease up for the company the litigations that grew out of the slaughter. Others were comprehensible only by those closely familiar with the legislation of all the previous years, and their purpose was so clouded that the newspapers of the State classed them as "mysterious." They found a ready advocate in the House in Martin Roll, a big, red-faced Union County Assemblyman, whose rollicking boisterousness was an endless source of amusement to his fellow-members. Senator Voorhees, of Union, was their chief sponsor in the Senate. Senator William D. Daly, of Hudson, one of the slim Democratic minority in the upper chamber, made sport of them when they reached that body, but on the vote only Senator William M. Johnson, of Bergen, stood with him, and they were passed.

It was in this legislature of 1895, too, that the first steps in the movement for the elimination of grade crossing perils were taken. An act, offered by Voorhees, required the railroads to elevate their tracks in the two first-class cities. This demand was another result of the Newark grade-crossing tragedy. The Pennsylvania Railroad Company had already, of its own volition, raised its tracks in Jersey City, and was busy on elevations in Newark; but the Erie Company, which cut in two all the main highways in Jersey City, and the Lackawanna Company, which maintained many death traps in Newark, were reluctant to follow suit. Both the companies attempted to defeat the enactment of the Voorhees bill; but public sentiment, with the aid of the power of the Pennsylvania Railroad Company, overcame their opposition. Later on, in the years there was a wide insistment that every grade crossing in the State be eliminated, and the topic became one eventually of considerable political agitation.

Other features of the legislative session were the defeat of Assemblyman Lloyd's bill, designed to close the State's Gretna Green at Camden with a marriage license requirement, and the passage of the law establishing the teachers' retirement fund. The weak point in Lloyd's marriage license bill was its provision turning the fees into the pockets of the local offi-

cials. The teachers' fund was to be maintained by the teachers themselves; but the fear that the favorable action upon it would encourage the teachers eventually to urge the State to pension them, led Governor Griggs to send it to the Secretary of State's office, to become a law without his signature.

The unseemly rivalries between the marrying parsons of Camden afterward grew into so ill-flavored a scandal that the Lloyd Marriage License Bill was revived in modified form and made into law. The State of Pennsylvania had enacted a license law that drove love-lorn couples, eager for hasty weddings, across the Delaware River from Philadelphia into Camden. They came in such swarms that some of the business-minded pulpiteers saw there was a living, larger than their ministerial salaries, for them in wedding fees, and they made a pell-mell rush for the trade. They had the Camden ferries picketed with keen-eyed scouts who could spot wedding faces in the passing throngs at a glance, subsidized hackmen and divided fees even with the ferry-boat hands. A loving couple were sure to be beseiged by a whole army of shouting solicitors, advising them to go to this one, or to go to that one, for the ceremony; and they often landed at a parsonage disheveled and bedraggled by the pulling and hauling to which they had been compelled to submit. The more unsophisticated of the swains were sometimes forced by the neck, as it were, into a waiting cab, and "kidnapped" away to the parsonage where there was a commission for the daring cabby. The business was worth thousands of dollars a year to the combination of parsons and runners; and it was their pressure that defeated Lloyd's bill.

It was afterward passed in amended shape, by another legislature; but its provisions were less drastic than those of Pennsylvania at the Camden end of the State, and those of New York which, at the other end, had now, too, established license regulations, and its effect was to transfer the rivalries for wedding fees, at both ends of the State, from the ferry gates to the City Halls in Jersey City, Newark and Camden. The act authorizes Justices and Aldermen to perform the ceremony and half the clerks in the City Halls had themselves elected as Justices of the Peace in order to qualify for the service. They took into partnership with them hall men who

scrutinized every strange couple that passed in at the portals, and kept their eyes on the records of the marriage license bureau. The moment a license-seeking pair was discovered, a wireless to one of the officiating clerks called him to the front with Bible and wedding certificate. In Jersey City the traffic became a feature of the strife between the Wittpenn and Anti-Wittpenn factions in the City Hall; and the Mayor made an order concerning it that forced all the visiting pairs with their fees to his political sympathizers in the city's clerical force. To the mayor's chauffeur, who had elected himself as a justice, a large share of the fees fell. In Newark conditions were quite as scandalous till City Clerk James F. Connolly put his foot down on the business.

The culminating development of the competition was the advertised offer of a Newark Justice of the Peace to guarantee connubial bliss without the formality of a license. He provides witnesses for what are known as "quaker weddings," a ceremony that makes the formal announcement of their willingness to be man and wife in the presence of witnesses, a wedding bond; and reports agree that hundreds of couples are easing their consciences with that sort of a wedding till conditions for more ceremonious nuptials materialize. Another Justice who guarantees "immediate weddings," rides his clients to an aldermanic confederate in New York for the words of blessing.

It was during Governor Griggs's two years of service in the State Capitol that the first step was taken toward the consolidation of the local elections with the general election. The first of the acts passed by the Republican Legislature, for the election of city and borough officials on the State election day in November, found its way to the statute books with his forced signature. It found its sequel in subsequent legislatures, and as its importance was magnified by the events that happened later, the details of its enactment by the Griggs term legislature are reserved for later treatment.

CHAPTER V

HOBART BECOMES VICE-PRESIDENT

Incidents of the Movements That Gave the Paterson Leader the Second Place in the Nation—Afraid of McKinley's Tariff Issue, He Started the Money Scarce and Won for the Party the Battle He Feared It Was to Lose.

Almost as soon as the first Legislature of Governor Griggs's administration—that of 1896—finished its work for the year the State was made to see that it might have more than a passing interest in the national election which was due in the following November. Tariff issues had been predominant in the political discussions of the hour, and the Republican orators had persuaded the followers of the party that much of the prosperity the country was said to be enjoying at the time was due to the prohibitive protection rates established under a bill that had been put through Congress under the auspices of Mark Hanna, an iron-jawed Ohio boss, and Major William McKinley, his working factor on the floor of Congress. The law bore the label of McKinley's name, and the prominence it gave him put McKinley's name much under the public eye. His law was enabling the "suckling" industries of the land to nurse themselves into fat and lusty "infantile" monstrosities at the breast of the consumer; and the "Captains of Industry," as its beneficiaries pompously called themselves, combined to place the Congressman who had so enriched them in the White House, which Grover Cleveland was about to vacate. There were luring fore-whispers of a monster campaign fund, available for his candidacy alone, and early in the formative stage of the campaign his nomination by the Republican National Convention was everywhere predicted.

Thomas B. Reed, of Maine, the scintillating Czar of the House of Representatives, was his most formidable rival for the distinction. There were other movements of less moment looking to the nomination of Senator Allison, of Iowa; of the

venerable Cullom, of Illinois, and of the equally aged Levi P. Morton, ex-Governor of New York. Notwithstanding McKinley's apparent lead, the progress of the canvass disclosed a preference, on the part of Sewell at least, for Allison. The Iowa candidate had been a soldier; he was General Allison as well as Senator Allison. Sewell was also General Sewell as well as Senator Sewell. The veteran instinct lured Sewell to Allison, and he promised to give him the support of the New Jersey delegation in the National Convention, to be held in St. Louis in June. Ex-Senator Garret A. Hobart, the pink-and-white North Jersey leader who had given the State to Griggs and the Republicans, found personal reasons before the campaign had grown old for giving his preference to the tariff-bill aspirant.

The rivalry was not an open nor a personal one. But the strife over the selection of the fourth member of the State's delegation-at-large centred around it. There had been a general agreement that three of the "Big Four" should be General Sewell, ex-Congressman John Kean, and Mr. Hobart. Kean was a devoted adherent of Sewell's; thus Sewell assumed that two of the four would be of his view in the National Convention. To reach the third and controlling vote in the delegation-at-large the General suggested Elias Ward, of Newark. The Hobart forces came forward with the name of Franklin Murphy instead. Murphy's large manufacturing interests disposed him to McKinley's support. Still alive to the resentments aroused by Murphy's attempt to seize the Senatorship from him, General Sewell turned all his Essex strength loose on Mr. Murphy's candidacy. As both Ward and Murphy were from Essex, the choice the Essex delegates to the State Convention should make was to be accepted as final. On the eve of the State Convention the Essex delegates spent most of a night in a hot wrongle over the preferences. Murphy was favored when the ballot was finally taken, and the quartet was completed by the inclusion of his name.

Franklin Murphy was chairman of the Republican State Committee at the time. His triumph over the Sewell and Allison forces in the Essex caucus gave a State-wide boom to McKinley's candidacy. It helped, too, to make the Hobart influence potential in the State Convention held in Trenton in

April for the selection of the national delegates. Murphy called the convention to order. Senator Stokes, of Cumberland, presided. When the convention instructed the delegates to the National Convention to urge the nomination for Vice-President of the United States of "New Jersey's able and distinguished citizen, Garret A. Hobart," it practically declared for McKinley for the Presidency, because in the discussions of the hour Hobart's name had been linked only with that of the Ohio protectionist. Congressman Thomas McEwan, of Jersey City, wanted the State's delegates specifically instructed for McKinley. Milton Edgar, of Union County, urged the same course. But General Sewell excitedly declared that he would never consent to go to St. Louis with a collar around his neck, and Chairman Stokes, declaring carried a motion to adjourn which some one had sprung, balked the effort to instruct, and the delegates scattered without giving further attention to the committing resolution.

None the less was it known that the convention was favorable to McKinley's nomination. Its devotion to Mr. Hobart's candidacy was the token of its Presidential preference. Those whom it designated in the districts to aid the four delegates-at-large in impressing its desires upon the National Convention were Senators Robert E. Hand, of Cape May, and George Hires, of Salem; Frederick W. Roebling, of the great bridge-building Roebling family of Trenton; Captain Alfred M. Bradshaw, the "blacksmith eloquent," of Lakewood; T. Frank Appleby, of Asbury Park, a factor in Monmouth County politics; John W. Herbert, the millionaire founder of Helmetta in Middlesex; Stephen K. Large, brother of ex-Senator George H. Large, of Flemington; William Barbour, chief of the famous flax mills in Paterson; ex-Sheriff John H. Quackenbush, of Passaic; William Riker, one of a family of three brothers conspicuous among the lawyers and business men of Newark; John Franklin Fort, of East Orange, son-in-law of William Stanisly, the long-time Republican boss in Essex County; A. Blair Kelsey, a public-spirited resident of Warren County; Congressman Thomas McEwan, Jr., noted for his anti-corporation specialties, and Col. Samuel D. Dickinson, once Speaker of the State House of Assembly.

Up to the time the State Convention instructed this array

JOHN W. HERBERT

Delegate to the Republican National Convention of 1896, who won Southern support for Mr. Hobart

of influential workers to urge him for the Vice-Presidency Mr. Hobart had not regarded the preference for him seriously. His natural modesty led him rather to shrink from the mention of his name in connection with so great an office. But the conditions seemed to point him out as the logical choice for it. He was associated with the corporation chiefs of the country in a railroad pool that dominated nearly all the transportation companies in the land. He was one of the most popular and one of the most influential members of the Republican National Committee. His wresting of New Jersey from Democratic control in the Griggs campaign had made him the most conspicuous figure among the Republicans of the East—and it was from the East that the running mate of the Western State candidate must be taken. The only other name in the East that commanded any attention at the time was that of ex-Governor Morton,—and it was assumed that if he should fail in the effort to reach the first place on the ticket, he would not consent to step down to second place. It was hard to convince Mr. Hobart that Morton's elimination left him as the only Eastern Republican whose achievements for the party could be made the basis for recognition by the National Convention. But he finally consented, with some reluctance, to enter the lists. Even after he had consented, he gave his intimates to understand that he hoped only to make a demonstration for the nomination that would put him in position to command a Cabinet portfolio, which he preferred; and it was said that the power and the prestige of the Secretaryship of the United States Treasury was the lure.

When the New Jersey delegation reached St. Louis on the eve of the National Convention Mr. Hobart was disturbed by rumors that he might not be able to command one of the votes in it. McEwan, of Hudson, had been a somewhat boisterous champion of the anti-corporation sentiment of the State. Democratic Hudson had honored his devotion to the cause of the people against the railroads that had absorbed a large part of her territory from her taxable assets by sending him, though a Republican, to Congress for two terms hand-running; and on the train ride to St. Louis he had declared that, as Hobart was a corporation man, he did not see how he could support him. The defection of one member of the delegation of twenty was

not regarded by Mr. Hobart's friends as a menace to his candidacy; but the Paterson statesman was not willing to give any of his opponents a chance to proclaim that his own State was divided against him, and he spent the whole night in efforts to get Mr. McEwan in line. The delegation caucused on the morning following. On the question of endorsing Mr. Hobart's candidacy Mr. McEwan did not respond with the "Ayes." But he was silent, too, when the "Noes" were called. On the surface it seemed as if every vote in the New Jersey delegation had been cast for Hobart.

Major McKinley easily achieved the Presidential nomination. The candidacy of Henry Clay Evans, a famous Kentucky orator, menaced Mr. Hobart's chances for second place on the ticket, till John W. Herbert, the millionaire founder of Helmetta, in Middlesex County, with large business connections in the South, started out to break the Evans Southern column. From childhood Mr. Herbert had known Mr. Hobart. The Paterson aspirant had once taught school in Marlboro; Mr. Herbert had been a pupil of his; now that he was one of the Jersey delegates to the nominating convention, he was an enthusiast for the success of his preceptor. An added incentive came in a letter from Mark Hanna, Major McKinley's business and political sponsor, soliciting Mr. Herbert's activities. The two forces waged fierce war all through the day. By twilight the Evans's line showed signs of wavering. A few finishing touches made Mr. Hobart master of the situation; by nine at night he had been put in nomination. It is doubtful if even the notorious trust-fad campaign of 1904 matched that thus inaugurated at St. Louis, in the prodigality with which it was financed. Money came in $100,000 bulks. Mr. Hobart, who managed it in the East, was himself authority for the statement that $10,000,000 was spent by he National Committee in the monster struggle for the control of the Nation.

All the time the preparations for the nomination of McKinley and Hobart had been going on the financial centers of the country had been shaken by premonitions of the nomination of William J. Bryan by the Democrats on a platform making the silver dollar a standard coin of the realm. These premonitions were realized in Mr. Bryan's triumph in the Demo-

cratic National Convention at Chicago; and it was the fear that the value of the nation's money would be impaired by the silver alloy that had sent the "Goldbugs" to the Republican National Committee rooms with their bags of campaign offerings. Mr. Bryan sat in the Democratic Convention in the dual capacity of newspaper correspondent and delegate from Nebraska. At the psychological moment he sprang from his bench in the newspaper reserve to respond to a shout his fellow-delegates from Nebraska had set up for him. As he swung his leg over the bar of the enclosure, he confided to the correspondents about him that he was "going to make the speech that was to nominate the next President." Ten minutes later he stormed the delegates with that wonderful "Crown of Thorns" and "Cross of Gold" oration which is counted among the classics in forensic eloquence; and sweeping all before him, he snatched the standards of the party and came out of the frenzied whirlwind he had himself stirred, its candidate for the Presidency. And the enforced coinage of silver on a 16 to 1 basis was made the leading feature of its platform. The New Jersey delegation,—with Allan L. McDermott, of Jersey City; United States Senator James Smith, of Newark; Judge Albert Tallmann, of Camden, and Rufus Blodgett, of Long Branch, as its "big four,"—had been forepledged against the Bryan "silver heresy"; and they came back to their homes dispirited. They saw no hope, in a State full of business men whose desks were all around Wall Street, for a propaganda that, they said, must debase the Wall Street currency to half its value.

Even more clearly than the Republican national managers did they realize the stirring power of the money issue. It was, however, because of his identification with the protective tariff that Mr. McKinley had been put afield, and the campaign his nomination foreshadowed was for a continuation of the prosperity his tariff scheme was heralded as having produced. Mr. Hobart saw only disaster for his ticket in a canvass with the tariff as its keynote. He had taken the sense of the people on that point. He had not been able to find among the people the prosperity about which the newspapers were prating in showy headlines. And he was far from being deceived by their clamors. In times past he had seen the

newspapers drown the wail of want in a prearranged "Prosperity" chorus. One can forgive them for their noisy deception. They meant it for the best, and more than once it has kept the people from panic.

But its worth in practical politics is questionable. The men who can find no bread for their hungry little ones know how unreal it all is, and are more apt to resent the deception than to be taken in by it. The very unanimity with which the newspapers were now advertising the "unexampled prosperity" of the land itself helped to convince Mr. Hobart that gaunt want was making ready to stalk through the land again. His intimate acquaintance with inside business conditions enabled him to see, too, that the false booms of prosperity with which the McKinley tariff had been gilded had only lured overcredulous manufacturers to overproduce for markets they could not find after all, and that the conseqcent glut meant idleness for the wage earners until the surplus had been worked off. The panic that came a year later as the result of these conditions was at hand to his prophetic eye, and he foresaw the collapse of a campaign for a tariff that the people had come to know had led them only into a fool's paradise.

Two weeks after the two tickets had been launched he was convinced that if the vote could be taken then, with the tariff alone in question, Mr. Bryan would be elected.

"The silver heresy," he said to his associates in Eastern headquarters, "is the only issue upon which we have a chance of winning. We can stir the country with the menace of a change in the money standard that will reduce the purchasing power of the dollar to half a dollar, and I intend to go at once to Canton and talk Major McKinley out of his high tariff campaign predilections."

The next day his grips were at the Grand Central Station, and he was rushing westward on a twenty-five-hour train. He had the conference with Major McKinley, and when he returned to his desk in the Metropolitan Life Building the word went along the line that the tariff issue was to be subordinated to the money issue by the platform pleaders of the party. The transformation in the party's outlook was instantaneous. Ex-Senator Smith, who was chairman of the Democratic State Committee, found a trip across seas to a European

health-cure immediately imperative as soon as Hobart's "money scare" began to operate. And when Mr. Bryan came to New Jersey on a campaigning tour he was treated with scant courtesy by the regulars of the Democratic fold. Their side-stepping opened the way for the appearance in the places of party management of the radicals, like Clarence Atkinson, of Camden, and Martine, of Plainfield, whom the conservative party managers had been suppressing. The industrial and financial interests were, without regard to previous party affiliations, against Bryan, and for the first time in fifty years the State gave her electoral vote to the Republican national ticket. Her unprecedented majority of 77,000 was regarded, however, as in large measure an expression of her pride in Hobart's candidacy.

The function of casting her electoral vote for him, performed in Trenton in January, was a ceremonious one. A great throng of interested Republicans gathered at the State House to witness it. The State's electors made Samuel H. Grey, of Camden, chairman, and Ernest R. Ackerman, of Union, secretary. The tellers were Thomas W. Trenchard, of Atlantic, and Alfred R. Whitney, of Morris. Bonnell, the custodian of the State House, suffered the thrill of his life when he was designated by the "college" to carry the record to Washington.

The pomp of the inauguration of a Republican President attracted a crushing multitude to Washington. Proud New Jersey appropriated $7500 to cover the expense of doing her part in honor of Hobart, and sent the Essex Troop to upbear her standard in the inaugural procession. The Frelinghuysen Lancers and the Indian Club, both of Newark, helped to swell the display in the civic division of the parade.

CHAPTER VI

JERSEY RULES THE LAND

Hobart, the President's Confidential Adviser; Griggs, the Brains of His Cabinet, and Johnson, Practical Head of the Postal Service, Make the State's Power in Washington Felt—Hobart Hastens Spanish War.

Mr. Hobart had his misgivings when he found himself assured at last of the second place in the nation. He was a singularly modest man, and one of the plainest and least pretentious as well. He seemed never to know what power there was in him until a call to a new field of endeavor gave occasion for its exercise. His rise from station to station had come to him not at all as the result of his own intrusion, but wholly because those around him saw the worth there was in him. He was lifted into the Speaker's chair in the Assembly; carried on the shoulders of his fellow-Senators to the President's dais in the Senate chamber. It was not wholly the ambition to make money that led him, after qualifying for the law, to devote himself to the less showy pursuits of a business life. When he became interested in railroads the extent to which those associated with him sought his advice and deferred to his judgment must have surprised him. It was all the unconscious tribute of his compeers to the latent power of the man. So in politics the forces around him pushed him to the front. He never helped—nor ever resisted—just went along with the tide, as it were, and found himself at the head of the swim and leading when he supposed he had only been keeping along with the current.

A rise to place that came in that way must needs escape the frictions that pushing endeavors to reach it would have aroused. It was not his work,—not his fault, if one chooses to phrase it so: how could any one quarrel with him about it? As his pastor and biographer, the Rev. Dr. David Magie, was

wont to phrase it, "Mr. Hobart just arrived, you see, sir!" Ordinarily his aspirations for the Vice-Presidency would have provoked reprisals and resentments. His candidacy as a McKinley ally was a direct challenge of the primacy of Sewell, who had given his plight to Allison. Sewell's support of Allison was an antagonism of Hobart's Vice-Presidential movement. But Hobart "just arrived" for the Vice-Presidential distinction, and, though his triumph meant the end of the Sewell domination, Sewell showed no resentments. He may have seen that Hobart had, to use a phrase of the day, somehow "jollied" him out of his leadership. But he could not see where Hobart had given him ground for complaint, and he made none. He even found himself helping him, and pushing him along just as all the others were doing. And Hobart was letting him do it, as graciously thanking him the while for doing so much to help McKinley along, just because he wanted to help him, when he would so much have liked to be doing it all for dear old General Allison instead. And so the intimacy between the two was as close after Hobart had reached the Vice-Presidency that Sewell would a little rather he had never gotten as it had been in the years before Mr. Hobart allowed his friends to fill his mind with the ambition that legerdemained the sceptre of State power out of General Sewell's clutch forever.

The native modesty that had always been Mr. Hobart's chief characteristic made him distrustful of himself when he realized that he was now to step in among the grandees of the earth, to upbear the prestige of the greatest people upon its surface. In Washington he was to meet the flower of the citizenship of all the nations in their gaily decorated ambassadors to the American court. The diplomats who were to become his every-day companions would come to him with all the culture of all the climes,—with habits of mind and thought bred by a hundred forms of civilization, and redolent of national and racial and tribal customs and traditions that were encyclopedic in quantity and variety. What more natural than that, in the seclusion of his library, he sometimes stopped to wonder what kind of a figure a Paterson lawyer would cut when transplanted to a social and intellectual atmosphere so cosmopolitan and so new to him? He confessed that the antici-

pation of the contact sometimes overwhelmed him. But the apprehension did not endure long after he had encountered it. With that wonderful adaptability which molded him to any task assigned to him, he adjusted himself easily to his new surroundings, "and," as he phrased it, "I find that I am as good and as capable as any of them. If they know a whole lot of things I don't know, I also know a whole lot of things they don't know. And there is a common humanity running through them all that makes us all as one, after all."

When Mr. Hobart opened the imposing blue stone house in Lafayette Square in which Matt Quay had lived he planned to be the social arm of the McKinley administration, of course; the Vice-President is expected to be the social center of the Presidential court, and he had more than abundant means to discharge that important administrative function. But he had resolved to be, more than any of his predecessors, a power in the conduct of affairs. Adlai Stevenson had been an inconspicuous factor in the Cleveland régime. As a rule, Vice-Presidents are expected to keep in the official background. But the relations between President McKinley and the Jerseyman Vice-President were as close as those of brothers, and like every one else who had come in contact with Hobart in other activities of his, the Major found himself depending very largely upon Mr. Hobart's judgment, skill, and adroitness in dealing with men and problems of state. The public manifestation of Mr. Hobart's potency in the great affairs of the nation came when President McKinley took Mr. Hobart's closest friend, Governor Griggs, into his Cabinet as Attorney General of the United States, and later called ex-Senator William M. Johnson from Hackensack to Washington to serve the country as First Assistant Postmaster General. The President had paid him the unusual compliment of being his guest at his Paterson home a few weeks after his inauguration, and in Washington it was not an unusual thing for the Major to stroll from the White House to the "Little White House" across the square, and spend long evenings, over boxes of fragrant perfectos, in consultation with the Vice-President on perplexing problems of state.

That the relations between the United States and Spain were sorely strained at the time by the popular protest here against

the brutalities of the Spanish Governor of Cuba made these evening conferences frequent and even more anxious. The prospect of a war excitement inspired a cry here for the expulsion of a foreign despot from a territory so close to our shores. Congress was eager to fly to arms to drive him out. It awaited the President's call to the battle. McKinley was halted by the hope that diplomacy might even yet avert bloodshed. Congress was impatient with his delays, and the public grew more clamorous for war. The House members swarmed to the White House with demands that he should act.

"Mr. President," the Vice-President admonished him at an evening talk when public excitement was highest, "if you don't act, the people will run over you. They are set on war. They will listen to no compromise. They want to fight. The martial spirit is abroad in the land. They will not end their clamors till you unsheath your sword. You should send to Congress at once the declaration of war it awaits with such feverish impatience."

"Am I to allow Congress to stand over me with a stop-watch" the President asked.

"Congress is doing it," was the Vice-President's reply, "and it will call 'Time!' on you if you hesitate another hour."

The next day the message for war reached the House of Representatives, and the conflict was on. It is no part of this narrative to tell of the nation's part in that brief and inglorious campaign against a power already so decrepit that Senator Vest pictured her as a "toothless old hag"; and New Jersey's part was so inconspicuous as to justify only casual reference to it. Lee's "History of New Jersey as a Colony and as a State," from which all the data on this point are taken, traces the movements of the Jersey quota of recruits from the First, Second, Third, and Fourth Regiments of the National Guard, and Companies A, C, and G of the Sixth, and E of the Seventh.

The First Regiment was ordered to Camp Alger, near Washington, when Col. E. A. Campbell was in command till Major-General Joseph W. Plume, of the State Guards, relieved him. It was put under orders to go to the Philippine Islands, but the order was never executed. The Second Regiment was ordered to Camp Cuba Libre, Jacksonville, Florida. The Third Regiment was sent up into Passaic County to guard a

powder mill. The Fourth marched to Camp Meade, in Pennsylvania.

The Battalion of the West, Naval Reserves, went to Cuba on *The Resolute* with a consignment of mines and ammunition, and their ship, while under the shadow of Morro Castle, was hit by a Spanish shell. She was not badly damaged, however, and was about to bombard Manzanillo when peace came. The Battalion of the East, mustered in later, cruised around Havana on *The Badger* in search of blockade runners. Mr. Lee notes that at the close of the war, a few months later, the return to their posts of both soldiers and seamen was marked by suitable local ceremonies.

The conduct of the war by an administration in which he served as a Cabinet official devolved an enormous quantity of work upon Attorney-General Griggs's department. He easily commanded recognition in the Cabinet meetings for his intellectual superiority, and there were ever knotty questions, domestic and international, upon which his views were sought, and when presented they were decisive. The close of hostilities brought into vivid conspicuousness another endless variety of complicated problems involving the constitutional relations of the nation to the lands it had won by conquest in the waters of the Far East. These reached their climax in what is famous in the annals of international jurisprudence as the Insular Cases, and the Attorney-General's masterly presentation of the subject, which had guided the administrative branches of the Federal government in its dealings with the new dependencies, was equally potent in determining the line of the Court's decision.

Mr. Griggs resigned his office of Attorney-General as soon as Colonel Roosevelt became President. Ex-Senator Johnson continued, however, to serve as First Assistant Postmaster General until the spring of 1902. During his connection with the department he had sometimes been called upon to perform the functions of the Postmaster General. The duties of his own department were, besides, extremely exacting. Supervision of the post office's supplies was itself the work of a department. Not a postmaster in all the country could get a blotter, save by requisitioning his office. The free delivery service was under his control; the money order offices all over the country

and the dead letter system were two other busy lines of work for his hands.

But he interested himself especially in the perfection and extension of the free rural delivery system. It was being tried experimentally when he entered the department. The Government had started it in about a thousand places to see how it would work. It fell to Senator Johnson's hands to shape it and develop it into a permanent and nation-wide public utility. Under his fashioning hand it was established on enduring lines. Eight thousand communities were reaping the benefit of his skilful handling of the subject when he retired, and the policies he inaugurated have fruited in the enormous extension of the service the nation now enjoys.

When in 1902 he sent to President Roosevelt his letter of resignation, he explained that health and "other reasons" had moved him to ask to be relieved. Some overshrewd theorists thought they saw in the "other reasons" an intimation that friction with President Roosevelt had prompted his retirement. But the President's reply to his letter of resignation set all speculations of that character at rest.

"Your administration of that office has been in the highest degree satisfactory," Colonel Roosevelt wrote; "and I wish it might have been possible for you to continue in the post whose duties you have so well performed."

It was with much reluctance that Mr. Johnson had gone to the Post Office Department as First Assistant Postmaster General. His predecessor, Perry Heath, who had achieved some notoriety as a very practical politician, became thoroughly discredited for various reasons, and the Administration realizing the necessity of rectifying the mistake of his appointment, determined as a sort of offset to the clamor about him, that care be taken to select a man of only the highest character as his successor. Many names were canvassed at Cabinet meetings, and finally at the suggestion of Attorney General Griggs, Mr. Johnson's name was considered, and the Attorney General was authorized to tender him the place, which of course came as a complete surprise to him.

The Bergen Senator was reluctant to listen. He was then serving in the State Senate amid congenial surroundings and engaged in the solution of problems that interested him.

There was a good deal of talk in the press, at the time, of the retirement of the Postmaster General himself, and the prevailing idea was that the newspaper gossip was the foreshadow of something soon to happen. As First Assistant Postmaster General, Mr. Johnson would be in the line of promotion to a Cabinet position, upon Mr. Smith's retirement, and he felt assured that he would have the Attorney General's good offices in receiving the promotion when the opportunity for it came. And, after an interview with President McKinley and flattering importunities by the Postmaster General, Mr. Johnson concluded to change the scene of his activities from the State, to the broader field of the National, capital.

As Postmaster General Smith's withdrawal became more imminent, the rooted conviction in official circles in Washington and among those in New Jersey who knew, was that the First Assistant was to succeed him. Mr. Smith did resign, but not till the assassin's bullet had laid McKinley low, and Col. Roosevelt had stepped into the White House. Mr. Johnson had but a slight acquaintance with the new president, and the influences that might have been potential for him were gone. Vice-President Hobart and United States Senator Sewell were in their graves; and Griggs had dropped the Attorney General's portfolio with a none too amiable sentiment for Roosevelt.

Mr. Roosevelt was playing politics with his own matchless skill. He needed one who could do things for him, more than he wanted a Postmaster General. His nomination of Henry C. Payne as Mr. Smith's successor was doubtless due to Mr. Payne's worth as a practical politician. Payne was Vice-Chairman of the National Republican Committee, widely acquainted with public men and swinging a strong stroke in Republican National Politics. The First Assistant Postmaster General of course conceded President Roosevelt's right to have whom he pleased in his Cabinet; so that Payne's appointment came more as a shock to his friends than as a disappointment to himself. Mr. Johnson held his post for a time after Payne had gone to the head of the Department as the relations between them were most cordial and agreeable to the end. But, never too robust, the Senator felt the strain of the work that fell to the First Asistant and his resignation resulted.

GARRET A. HOBART

Vice-President of the United States, March 4th, 1897, to November 21st, 1899

New Jersey had never been so much in the eye of the nation as in the days when these three famous sons of hers were in the great places at Washington, nor had she even been a discernible factor in national affairs until then. Their influence upon the destinies of the people will never have been accurately measured and weighed up till the historian of the distant future, surveying it all from the Observatory of Time, shall trace the skeins of achievement through the landscape of History to their vanishing ends.

CHAPTER VII

A YEAR WITHOUT A GOVERNOR

Griggs's Resignation Forces Legislature to Create an Acting Governor to Take His Place—Voorhees the First to Hold the Office—Work of the Interregnum.

When it became known, as it did early in January, 1898, that Governor Griggs was to leave Trenton for a seat in President McKinley's Cabinet, the public men of the State foresaw an anomalous situation. His withdrawal to Washington was to leave the State without a Governor. Nor was there any way, apparently, of getting one. The Constitution makes no provision for a Lieutenant-Governor, but decrees that "in case of the death, resignation, or removal from office of the Governor, the powers, duties, and emoluments of the office shall devolve upon the President of the Senate . . . for the time being until another Governor shall be elected and qualified," and that in that emergency a new Governor shall be elected at the next succeeding general election.

The Legislature was in session when President McKinley sent the name of Governor Griggs to the Senate in Washington for confirmation as Attorney-General of the United States. To Foster M. Voorhees, Senator from Union County, who had become President of the Senate, the promotion was to fall. The prospect of the succession provoked a spirited discussion as to his status after his rise. Was he to be Governor? or Senator? or both? Was he to continue to preside over the Senate and participate in legislative work after taking up executive prerogatives?

The outcome of the speculations to which these questions gave rise was an act defining the official title of the President of the Senate as Acting Governor. Governor Griggs's

last official function in Trenton was performed when the act was put before him for the signature he penned in approval of it. The act contemplated the severance of President Voorhees's visible relations with the body over which he was presiding. It left him still a Senator, however, because if he resigned his chair there to become Chief Executive, he would destroy his only title to the higher office; yet to do this seemed to bar him from participating in legislative work. The Senate reserved his Presidency for him by naming Gen. William H. Skirm, of Mercer, as President pro tem., and he arranged with Senator Ketcham, of Essex, to look out for the interests of Union County in the Senate during the session, and prepared practically to abandon his seat there for the Executive chair.

Because the experience was all a new one, the procedure that marked his transit from one place to the other aroused keen interest all over the State. Governor Griggs, on January 31, sent to the two houses a brief note advising them that he had resigned the Governorship. President Voorhees was inducted into his new office at a joint meeting of the Senate and Assembly the following morning. The House awaited the coming of the Senators in the big white hall that Governor Abbett had built for it. Speaker David O. Watkins, of Gloucester, sat at the desk on the dais to receive them. The great doors were swung first to admit William J. Magie, Chief Justice of the Supreme Court, who was to administer the oath to the new incumbent; the Rev. Dr. Dixon, who was to offer the prayer, and George Wurts, of Paterson, the Secretary of State, who carried the big Seal of State in his hand.

Presently the doors swung apart again. The Sergeant-at-Arms stepped to the head of the broad center aisle of the chamber to claim the attention of the chair. As Speaker Watkins gave audience a procession from the hall crowded through the doors and halted behind him to await the announcement of their presence.

"Mr. Speaker," the Sergeant intoned, with a grand sweep of his hand toward the halted visitors, "the President and the Senate of New Jersey!"

A rap of the Speaker's gavel brought the Assemblymen to their feet, and they remained standing till the Senators had filed in, to chairs set for them in the semicircle around the

Speaker's dais. Mr. Watkins made official declaration of the purpose of the gathering, and President Voorhees stepped forward to be sworn into his dual office of Senate President and Acting Governor. The Chief Justice read the oath; Voorhees repeated it, and signed the parchment roll on which it had been engrossed. Strict observance of the usual formalities would next have brought Governor Griggs to the front, to hand over the great Seal of State to his successor. The Paterson editor, who was Secretary of State, explained that Governor Griggs was unavoidably absent, and that he had been deputed to place the insignia of chiefship in the hands of the new incumbent.

The ceremony was now over. The new Governor was ceremoniously conducted to his new quarters. The presiding officer designated Senators William M. Johnson, of Bergen; William D. Daly, of Hudson; Assemblymen H. W. Gledhill, of Passaic; George W. W. Porter, of Essex, and Horace L. Allen, of Hudson, as a special committee to escort him across the hall to the desk of state. The throng in the Assembly chamber crushed in behind the committee, and an hour afterwards the State's first "Acting Governor" held a levee.

Mr. Voorhees was the blond bachelor of the public service, and he had served a long apprenticeship in State affairs. He was still a young man, too, and most amiable, tractable, and approachable,—the idol of the newspaper correspondents, who, indeed, kept him in the public eye by their friendly attentions to him. His prominence in affairs was not due alone to their favor, however. He is a ready orator, and both in the Assembly and in the Senate he had a recognizable influence in shaping policies and legislation. Most of the later public men of Union County had owed their rise to the partiality of John Kean, whose repeated triumphs in Congressional contests over Democratic rivals in what had always been an overwhelming Democratic district had made him a power in middle State politics. Mr. Voorhees had made his way upward there, not perhaps against Mr. Kean's will, but without Mr. Kean's grooming; and his presence now at the head of the State was due to the wide recognition his capacity for public work had commanded for him.

His accession to the gubernatorial function and its $10,000 a year, even if he could not wear the full title, found Mr.

Voorhees free from at least one of the bothers that beset most new incumbents. He was not beleaguered by seekers for the places that were to become vacant during the year for which he was to be at the head of the State. Governor Griggs had taken all that off his shoulders by anticipating the vacancies. He had made twenty-five appointments to places that were to become vacant after he was to leave Trenton for Washington. How he managed to circumvent the Constitutional provision that "the term of office of all officers elected or appointed, pursuant to the provisions of this Constitution, except when herein otherwise directed, shall commence on the day of their respective commissions; but no commission for any office shall bear date prior to the expiration of the term of the incumbent of said office," was not disclosed at the time. Governor Griggs's skill in the law and his integrity in its interpretation raised a presumption that no one seemed inclined to dispute, that there could be no question of his right to exercise a prerogative that seemed to be beyond him. And in later years, when Gov. Woodrow Wilson filled the places to become vacant during the year of his term which he abandoned to become President of the United States, Attorney-General Edmund Wilson, following the precedent set by Griggs, declared that the power to do so belonged to him.

Though the Acting Governor thus escaped the embarrassments and enmities that attend the bestowal upon one of an office that a hundred seek, Griggs's departure for Washington on February 1 left enough to engage him in keeping pace with the work of the Legislature that had just begun its annual session. Both branches were in Republican control,—the Senate with 14 of that party to 7 Democrats; the house with 37 Republicans to 23 of the other party. The topics that most engrossed legislative attention were track elevation, of which Senator Johnson, of Bergen County, was making a specialty; the extended substitution of the salary system for the fee system for county officials, and one of those inevitable investigations that find their inspiration in the nearness of a State election.

Senator Johnson had mapped out a comprehensive scheme for the elimination of the grade crossings all over the State. After a hard winter's work in the attempt to force a corporation Senate to enact it, he was compelled to accept a compro-

mise law that contemplated track elevation in Newark and Jersey City only. So, too, Senator Ketcham, of Essex, had hoped to apply to all county officials the salary system that had been found to operate admirably among the State officials, and had been glad to take an act that made it applicable in Essex and Hudson Counties alone. The hungry placemen in the string of little South Jersey counties had driven the Senators from those counties to demand the exclusion of their counties from the operation of Senator Ketcham's bill. But the seed for both reforms had been sown: Mr. Ketcham's law stirred the public to later demands that it be made of State-wide application, and Senator Johnson is outliving the day when both the great parties were forced, by popular agitation, to commit themselves to the policy of a law eliminating the tracks from every crossroad in the Commonwealth.

The demand for the Hudson County investigation sprang from some scandalous disclosures that had come thence. The Assistant Prosecutor had just been put to the bar of the Court of which he was himself an official to answer a charge of having consented, for a bribe, to the release of a convict from the county jail. The revelations of the trial were so compromising that his chief, the County Prosecutor, was forced to his bed by a nervous collapse, and a month later closed his eyes forever upon an exceptionally brilliant professional career. There were open charges, too, that William Heller, the Democratic Sheriff of the county, was packing his grand juries with confederates foresworn to protect vice of all kinds, out of which the ruling forces in the county were reaping ill-gotten fortunes, and there was a wide demand for his impeachment and deposition.

The demand was voiced when Assemblyman H. W. Gledhill, of Passaic, moved for the Committee of Inquiry. It was to ascertain whether there were grounds for the impeachment, and, if there were, to call Heller to the bar of the Senate for trial. The House ordered the inquiry, and Speaker Watkins named four Assemblymen, Squire, of Union, and Bradley, of Camden, among them, to serve on the committee with the Passaic leader.

The committee had not entered upon its work before Allan L. McDermott flung into the mess a letter demanding that if

the Democrats of Hudson were to be held up to public odium, the committee should also, in the interest of fair play, carry its war into Republican Camden, where, he declared, the conditions were a hundred times more vicious and horrifying. Within a week a Camden scandal, aired in one of the Courts, came as a visible manifestation of the things McDermott said were to be found there, and a cry arose for the inclusion of Camden within the scope of the committee's work. The Democratic minority in the Assembly threatened to put the Republican majority on record by offering a resolution for the probing of Camden. The menace of damning Republican exposures threw the Republican workers all over the State into a panic, and it was said at the time that an understanding was reached that the Hudson inquiry would not go deep if the Camden inquiry was not moved. The committee was forced, in order to save its face, to make a feint at carrying on the investigation into Hudson County conditions that the House had ordered; but the point of its probe was turned, and it disappeared from view entirely after it had held two or three disheartened perfunctory sittings, at which none of the sensations it had promised were so much as mentioned.

The session was enlivened by a House scandal, in which the Democrats tried to find available campaign material. A. C. Ebie, a travelling man who was a member of the Essex delegation in the Assembly, had moved an inquiry into a new line of building and loan associations that, he declared, were only "get-rich-quick" elaborations of the original building and loan idea. Within a week after his appointment as chairman of the investigating committee a letter from him, asking "a small contribution from your association," fell into the hands of a well-known promoter of the older line of loan associations. The letter intimated that the enquiry about to be made was intended to discredit the newer system that had come into some vogue, and explained that members were obliged to spend money in attendance at the committee hearings, and that, as the enquiry would largely benefit them, the old line associations might consent, with the "little contribution" sought, to help reimburse them. This crude missive found its way into print and stirred the House into fierce denunciations of the reckless member who had penned it. The majority promptly

set the seal of its disapproval on such methods by discharging the committee, unhorsing Ebie, and starting the enquiry all over again, with a new quintette of investigators.

CHAPTER VIII

PARTY MARGIN NARROW IN 1898

Senator Smith, Angling for a Second Term in Washington, Names Crane Against Voorhees for Governor, and Nearly Recovers the State for the Democrats in Spite of the Defection of the Bryanites.

Governor Griggs's withdrawal from the Governorship in the early winter of 1898 involved the election of a new Governor at the regular poll of the following fall. Intolerant of an interregnum, the Constitution directs that it shall be ended at the first succeeding election. And all the months that followed the close of the legislative session were devoted to the shaping up of the State campaign that was now at hand. In the eyes of the multitude the gubernatorial viewpoint was the dominating one in the conduct of this preliminary work. But the leaders, who behind the scenes were pulling the strings that made their puppets dance at the footlights, were playing the game with a single view to the Senatorial succession. United States Senator James Smith's term in Washington was to expire in March of 1899. He was ambitious, and, the sequel showed, somewhat hopeful of being chosen to serve a second term there. Encouraged by their campaign successes in the three years past, the Republicans were building on the assumption that the glittering prize was to fall into their hands. And the hooks that capped the long poles of the manipulators of the campaign were all reaching for this choicer distinction.

It is not,—in those days, at any rate, it was not,—an unusual procedure for the chieftains of the two parties to sow their candidacies long in advance of the fruition season, and so to cultivate the soil of politics as to produce them at the ripening hour. It had been planned that, in the event of a Republican joint meeting in Trenton, at the legislative session of 1899, Governor Griggs should be Senator Smith's successor. His promotion to a Cabinet position had taken him out of the run-

ning, and General Sewell came forward to urge that Congressman John Kean be slated for the distinction. It was to go to him as a sort of consolation prize for having sacrificed himself in the hopeless gubernatorial campaign against Werts, and three years later, in the Griggs convention, for having been denied a nomination that was as good as an election. Mr. Kean's cheerful acceptance of Griggs's nomination had warmed the hearts of the Republicans of the Hobart fold to him, and there was a tacit understanding among the leaders of both wings that he was to be the next United States Senator, if party conditions were favorable.

It was from the standpoint of this fore-settled Senatorial candidacy that the gubernatorial campaign was shaped up on the Republican side. Senate President Voorhees's presence at the head of the State as the ad-interim Governor helped to put him in the front rank of Republican aspirants. The mere accidental Presidency of the Senate at a time when there happens to come a vacancy in the Governorship does not of itself preëmpt the nomination for the vacancy. The Senate has had many Presidents whom the people would never think, in their sober moments, of putting in the Governor's chair. But Voorhees had reached the Senate Presidency,—and now the Acting Governorship,—as the reward of really meritorious services to the State. And the Republican masses would probably have demanded his nomination, even if the turn of the cards that had sent him to the first place in the State had not given him a sort of precedence in the race for it. He had, indeed, made a showing in the convention of 1895, and his work in his accidental Governorship, at a time when the State's movements in connection with the war with Spain were focusing all eyes upon him, had been of a character to win new applause for him.

So it was said in Voorhees's behalf that he was the "logical" successor of himself. On the other hand, his accidental occupancy of the gubernatorial chair made him a wholly illogical candidate. There stood in the way of his new campaign that clause of the State Constitution which forbids a Governor to be his own successor. Of course, there were all kinds of subtle refinements intended to show that, as he was only a Senate President discharging gubernatorial functions, he was not, after all, the "Governor" against whom the constitutional prohibi-

tion ran. But as the purpose of the ban is to prevent a Chief Executive from using his great functions to promote his own reëlection, it was quite manifest that his candidacy, while clinging to his office, was violative of the spirit if not of the letter of the State's charter.

To escape the force of that objection, he resigned his seat in the upper chamber as the Senator from Union. And the Supreme Court of the State decided that that resignation carried him out of the Governor's chair as well as out of the Senate. Thus occurred another vacancy in the executive department. The Speaker of the House of Assembly, under the Constitution, was next in the line of promotion, and New Jersey installed her third Governor in a year, when Voorhees's mantle fell to the shoulders of Speaker David O. Watkins, of Gloucester County.

It was possible now to make constitutional and effective use of the "logical successor" argument in Mr. Voorhees's behalf, and new recruits were drawn to his standard by it. The element that was pushing John Kean for the seat in the United States Senate that the dignified James Smith, of Newark, was holding was alone in refusing to acknowledge its force or its pertinency. The only "logical" outcome of the situation, as that element saw it, was the replacing of Mr. Smith with Mr. Kean, and that solution of the Senatorial problem was wholly illogical, according to their reckoning, if Voorhees's candidacy for the Governorship was to come into the computation. The distracting point was that both were residents of Eliazbeth, and the selection of two Elizabeth men for the two choicest of the State's honors was not permissible in a State that had always run her politics on geographical and sectional lines. If the State was to elect Kean, of Elizabeth, to the United States Senate in February, 1899, the installation of Foster Voorhees, of Elizabeth, in the Governorship in January, 1899, would be a geographical paradox against which all the traditions of State politics rebelled. And since Voorhees was a gubernatorial misfit to the Kean Senatorial situation, Kean's friends were pleased to learn that Mahlon Pitney, a brilliant young Congressman from Morristown, was in receptive humor as a gubernatorial possibility. But the subsequent announcement that Franklin Murphy of Newark was willing to be con-

sidered, drove General Sewell, who ordinarily would have been Mr. Kean's ally, to the support of Voorhees, as the man most likely to measure swords successfully with the Newark citizen whom he so heartily disliked.

Mr. Murphy was enormously popular among the Republicans in North Jersey, and he quickly became a commanding figure in the gubernatorial field. There was some talk, too, of Frank Fort, also a Newark man; but the campaign ambled along all through the summer with so marked a leaning toward Murphy that the leading newspapers of the State felt it safe to announce that there was no doubt of his nomination. Meanwhile the Voorhees forces were industriously spreading the "logical candidate" propaganda. The newspaper scribes, whose friendship Voorhees had won by long years of courtesies to them, helped to keep his candidacy fresh and green. Their unanimous advocacy made it seem as if all the people were with him. Fort first and Murphy later asked their friends to abstain from further advocacy of their cause. But Congressman Pitney was sure he was in the race to the end, until of a sudden even he was persuaded to retire. The promise of the nomination three years hence without opposition was said to be the lure that tempted him away.

When the Republican State Convention met at Taylor's Opera House, Trenton, in September, Attorney-General Griggs came on from Washington to preside over it and to make a scintillating speech to its delegates. General Sewell sat in the convention at the head of the Camden delegation. Ex-Mayor John C. Rankin, of Elizabeth, his rancorous political foe, announced, on the roll-call of counties, that Union had but one name to present, and Congressman Charles N. Fowler, also of Elizabeth, distinguished not only as the double of President McKinley, but as an orator and a legislator, put Mr. Voorhees's name formally before the convention. Not another name was proposed, and the secretary of the convention cast a single ballot, with Voorhees's name upon it, for the 1100 representatives of the party gathered there.

Unanimous as it was, the nomination was not regarded as a strong one. Of its popularity there was no question. But popularity is only a secondary factor in producing election results. The manipulations of the chieftain of the parties and

of the big interests of the State,—like the railroads and the great industrial establishments, which have armies of employees to throw to this side or to that,—are far more potent in determining the fates of candidates. These large interests had been to a degree estranged from Voorhees because of his activities for the equal taxation of the railroads. There is a community of interest between the railroads and the large industrial concerns.

Senator Smith thought he might have the aid of both in swinging the State away from Voorhees, and in producing in Trenton a Democratic legislature that would send him back to the Senate for a second term. In a way, he had pleased them when he left the Bryan forces in 1896 to work out their own salvation in the State, under the auspices of "Bob" Davis, the Hudson County boss; of Clarence Atkinson, the Camden extremist, and of James E. Martine, the "farmer orator" of Plainfield. Next to Mr. Smith, Davis had long been the most considerable factor in State politics, and, in the absence of Mr. Smith on that European trip which became so imperative when Bryan was nominated, what was left of the party in the State had come to look upon Davis as his successor in the Democratic leadership. Mr. Smith had been content to let Davis have his little fling, as long as there was nothing in politics for Mr. Smith. But now that his Senatorship was in the balance, he concluded it was time for him to get into politics again and resume his sway. The conservative business interests that were somewhat distrustful of Voorhees's "safety" helped the Senator recover his scepter.

Suspicion that the Senator had picked his candidate for the Governorship was aroused by intimations in the press that Gen. Richard A. Donnelly, of Trenton, was the most available man in sight. That General Donnelly had fallen out of the State Committee with Mr. Smith at the moment of Bryan's nomination led Senator William D. Daly, of Hudson, to protest that no man who was not willing to subscribe to the silver plank of the 1896 national platform need apply for honors at the State Convention. Mr. Daly was one of the best "mixers" in the State, and had in a long legislative career always managed to get on the popular side in times of excitement, and had made himself conspicuous in the 1896 campaign by his rousing

speeches in Bryan's behalf, and this pronunciamento of his was regarded as a declaration that the fierce strife of 1896 between the two wings of the party was to be renewed in the coming State Convention.

The Bryan devotees began to look around for the man who could measure up to the standard of party loyalty that Daly had set. The year before, the Democrats of Newark had chosen James M. Seymour, a mechanical engineer, who had held a seat in the State Educational Board, as Mayor of that city. Seymour was a heavy-faced man, who had the aspect and bearing of a prosperous farmer, and he was credited with a sturdy honesty that people admire when they find it in political life. He had not reached the Mayoralty of the city without Smith's consent. But they had come to the parting of the ways when he named Colonel E. L. Price for the high-salaried office of City Counsel. The Senator had hoped that that choice local tidbit would be given to his kinsman, James R. Nugent. The selection of Price was the more obnoxious to him because the Colonel had been an ardent advocate of Bryan and the "Regulars" in politics, and had joined the throng that was accusing Smith of party disloylaty because of his attitude in the Bryan campaign. Thus Seymour had become identified as an anti-Smith man in the field of local politics, as a Bryan man in the field of national politics, and Colonel Price could not think of any one who would be more obnoxious to the Smith conservatives in the party or regarded as more loyal to the Nebraskan silverite than his patron in the Mayor's office.

He took it upon himself to make Seymour a figure in the gubernatorial convention. The first step in that direction was, of course, the election of a favoring delegation from Mayor Seymour's home county of Essex. Essex was the Senator's own stamping ground. Smith had been the undisputed monarch there till Price had measured swords with him in one of the primary contests and found him napping. And the Seymour forces counted upon Price's ability to vanquish him again. That the local politicians might have the inspiration of fighting Seymour in the interest of another of their neighbors, Mr. Smith suggested that Elvin W. Crane, the Essex County Prosecutor of Pleas, would be an admirable candidate for the Essex delegation to support in the State Convention. The clash of

arms between the two forces at the local primaries was a memorable one. There was more noise than votes on the Seymour side, however; the Smith element easily overcame the Price forces. And when the delegates elected in the county gathered in local caucus they declared in favor of Prosecutor Crane's nomination.

The support of so large a delegation as that which Essex was to send to the State Convention put Crane in the first place as a candidate. The hopes of the Bryan forces that had centered around Seymour had been crushed by his defeat at home. The Bryan contingent was driven to look for another candidate. Senator Daly, of Hudson, came to their minds. He hesitated to say whether he could consent to the use of his name; the more he hesitated, the more they were resolved to force him to consent. While he was in this doubtful, or seemingly doubtful frame of mind, the primaries in Daly's own county of Hudson came on. The delegates chosen at them had all been named by Davis. But Daly's candidacy made it hard for the little boss to handle them. While, to preserve his control of the organization, Davis had been forced to give countenance to the Bryan sentiment of the Hudson Democracy, he owed much of his power to the backing Bank President Young gave him. A hot-headed Bryan devotee like Daly was as little desired by Mr. Young as by Smith. In his Senatorial work Daly had, besides, manifested a disposition to swing away from Davis's control. Davis had even served notice on him that he need not look for another term in the Senate. Davis tried to talk his delegates out of their preference for Daly, but they were not tractable, and prudence bade him to seem to yield to their demands. The spread of the news that the greatest county delegation in the convention was united for the Hudson statesman gave a State-wide impulse to Daly's candidacy. Meanwhile, pressed to declare himself, Daly abstained. He stood off to ask, with a quizzical smile, how all this commotion for his nomination had started.

To forestall a concentration on Daly, the Smith managers arranged a lot of favorite son booms in the several counties. It was planned that the Passaic delegation should support ex-Mayor Christian Braun; Camden, Howard Carrow; Ocean, should be for Prosecutor Isaac W. Carmichael; Mercer for

General Donnelly. Essex was in the majority for Crane, with a little sprinkling of Seymour adherents, and all Davis's influence had been unable to repress the enthusiasm of the Hudson delegation for Daly.

These conditions held until the State Convention got together in Taylor's Opera House; but it was evident that the real struggle was between Daly and Crane. The State Committee named the iron-willed William B. Gourley, of Paterson, ex-Senator from Passaic County, to act as temporary chairman. Smith had drawn first blood in the convention duel; Gourley was of the Smith machine. Gourley treated the delegates to a "Goldbug" speech, and was quite confused when the hall broke into uproars of applause at a mention of Bryan's name, which he had intended to be merely incidental. The informal call of the counties for nominations showed Daly to be in the majority. The Bryan men clamored for an announcement of the result. Gourley for response ordered another roll-call, which he described as the first formal ballot. Daly's name had come from the chairmen of a list of county delegations before Hudson County was reached in the alphabetical roll-call.

The convention halted in dead silence to hear Chairman Davis's announcement. It was realized that if he cast the vote of his hundred delegates in Daly's favor, as he had been forced by his followers to do on the informal ballot, nothing could stop Daly's nomination. The delegation was still eager to be polled for the county's senator. But Davis took the chances, and, unauthorized, swung the 100 votes to Crane. There were wild protests in the Hudson benches, but they were all addressed to Davis. With outstretched hands, he commanded silence, and the overawed crowd ceased its tumult. The transfer of the Daly votes to Crane put Crane in the lead, and his nomination followed.

But the friction was not ended with the nomination. The Committee on Resolutions had come in with a report committing the party in the state to a reëndorsement of the "great vital principles" of the Democracy. Eckard P. Budd, of Burlington, and William D. Edwards, of Jersey City, were credited with the framing of a skilful plank that thus avoided a specific recognition of the silver policy of the National Conven-

tion of 1896 as one of the "great vital principles." Dr. E. A. Conrow, of Burlington, jumped to his feet to demand an out-and-out endorsement of the Bryan policy. Chairman Gourley recognized ex-Assemblyman Thomas F. Lane, of Union, instead. Mr. Lane evidently disappointed the chairman's expectations by also demanding a Bryan plank. He yielded the floor for a minute to James F. Connolly, Smith's campaign manager in Essex. And while Connolly was making one of his stentorian speeches as a harmonizer, Gourley put the question on the adoption of the platform as reported, and declared it carried. Two hundred of the Bryan delegates broke for the doors; the Hudson delegates, at Davis's command, choked the passages, and, holding them in check until the convention's end, prevented a bolt.

Having thus forced his candidate upon the party, on a platform that gave small comfort to the radical element in it, Senator Smith set himself, as never before, to the work of electing Crane to the Governorship. The split in its ranks over the money question and the overwhelming majorities the Republicans had rolled up in recent campaigns in the State gave his task the aspect of a hopeless one. But Mr. Smith's Senatorship depended upon the issue, and he labored day and night for success. The State was surprised when the returns were scanned on the night of election day to learn how close he had come to the achievement of what, to the lay eye, seemed the impossible. The "big interests" that had always dominated State affairs had evidently come to his aid. The State had gone for Griggs in 1895 by more than 26,000 majority. Hobart had swung it to the Republican side in 1896 by close on to 100,000. Voorhees's lead in this campaign over Crane was only 5469. Senator Smith's vigorous campaign had captured 22,500 more votes for Crane than Chancellor McGill had polled in 1895, while Voorhees had but a trifle more than 1000 beyond the Griggs vote. The vote, in the two campaigns, was Voorhees, 164,051, as compared with the Republican poll of 162,900 in the Griggs campaign; and Crane, 158,582, as compared with 136,000 cast for McGill.

But Senator Smith found small comfort in the closeness of the vote. His effort to seat Crane had been inspired by a desire for the help Crane could give him in retaining his own

seat in the United States Senate. The die had been cast against him in that struggle. He not only lost a Governor who might have aided him, but he saw Voorhees followed to Trenton by a Republican Legislature that would be sure to recall him from Washington, and send one of their own party to serve the State there in his stead.

CHAPTER IX

KEAN BECOMES SEWELL'S COLLEAGUE

Displacing Smith, Republicans Win Jersey's Second Seat in United States Senate—A Second Senatorial Caucus, in Voorhees's Term, Gives Sewell a Third Term There—The New Senator's Career and Notable Family.

Mr. Voorhees's narrow squeeze through the polls brought its new round of topics for discussion by the public men of the State. An apparent interregnum ahead was the first to engage their speculations. The day fixed by the Constitution for the induction of a Governor is the third Tuesday in January. The term of Acting Governor Watkins as Speaker was to expire at the assembling of the new Legislature two weeks earlier. As his House Speakership constituted his only title to the Acting Governorship, it was urged that he must vacate the Governorship at the reorganization of the Assembly, and let the reins of office fall into the hands of the President of the incoming Senate. This contention was based on the constitutional clause devolving the duties of a vacant Governorship on the Senate President. A similar confusion had arisen in the shift from Griggs to Voorhees; and Samuel H. Grey, of Camden, who was Attorney-General of the State at the time, had advised Senator Voorhees that his resignation of his seat in the Senate did not oust him from the Acting Governorship,—that his title to the Acting Governorship was good until his regularly elected successor was installed, which was not quite in consonance with the opinion the Supreme Court had afterward taken, that the higher office became vacant with the lower one.

Still, with the recurrence of the question at the opening, on January 9th, of the legislative session of 1899, Attorney-General Grey repeated his advice that Speaker Watkins was to serve in the executive chamber until the inauguration ceremonies of January 23d put the Governor-elect in possession

of the office. In the Legislature that gathered in Trenton that severest of recent winters, the Republicans had 14 of the 21 Senate seats, and 37 of the 60 chairs in the Assembly chamber. Among the new faces in the upper branch were those of ex-Mayor James H. Van Cleef, of Middlesex; Allan L. McDermott, who had come from Hudson to fill the vacancy caused by the election of Senator William D. Daly to Congress; Mahlon Pitney, of Morris, afterward a Justice of the United States Supreme Court, and Christian Braun, accounted the strongest Democrat in Passaic County.

The Assembly roll contained, among other names, those of John M. Bell and E. W. Wakelee, of Bergen; William J. Bradley, of Camden; Albert T. Guenther, J. W. Weseman, William Mungle, and Benjamin Franklin Jones, of Essex; James J. Murphy and John E. Walscheid, of Hudson; Oliver I. Blackwell, of Hunterdon; Ira W. Wood, of Mercer, afterward for many years member of Congress; Joseph C. Heyer, of Monmouth; the sonorous Wood McKee, Vivian M. Lewis, and John W. Sturr, of Passaic; Robert G. Houston, afterward Sheriff of the county, and the breezy George A. Squire, of Union.

The Senate caucus named Charles A. Reed, the tall, spare, snappy law partner of Alvah A. Clark, and now the Senator from Somerset, for Senate President over Senator Braun, the minority candidate. Speaker Watkins was a member of the new House of Assembly, and the caucus of Republicans there helped to smooth out the complications as to who was to rule the State for the two weeks that must yet elapse before Voorhees's accession to the Governorship by reëlecting him to the Speaker's chair. With the decision of the Supreme Court to support him, President Reed might have laid claim to the fortnight of gubernatorial distinction; but he was not disposed to obtrude himself, and he left Mr. Watkins in possession. As Speaker Mr. Watkins called the House to order, handed to Clerk Thomas H. Jones his list of committee appointments, and immediately withdrew to the executive chamber to receive the committee sent to notify him that the Legislature was in session and awaited his pleasure. Speaker Watkins had not thought that his temporary occupancy of the Governorship justified an ostentatious state paper, and the message he trans-

JOHN KEAN
United States Senator, 1899-1911

mitted to the Legislature was a modestly commonplace review of departmental reports. On the third Tuesday of the month he gave the office back into the hands of Governor Voorhees, from whom he had received it, with becoming ceremonies.

But the excitements attending the coming joint meeting for the election of a new incumbent for that seat in the United States Senate which Mr. Smith had striven so hard to retain overshadowed the interest in the inauguration of the new chief. The Republican caucus had unanimously selected ex-Congressman John Kean, of Elizabeth, for the distinction. Sturr, of Passaic, suggested the name of Congressman James F. Stewart, but it was only for honorary mention, and Sturr withdrew it as soon as he had proposed it. Mr. Kean had won the honor by dint of hard work and unselfish work for the party. He had demonstrated his popularity by twice contesting the Monmouth-Middlesex-Union district with the powerful middle Jersey Democratic boss, Miles Ross, and had vanquished him both times in spite of its stolid Democratic majority. His candidacy in the hopeless battle with Werts in the campaign of 1892, and the smiling good nature with which he had accepted defeat in the later convention, whose nomination was equivalent to an election, had made him popular with all the forces in the party, and in the joint caucus for the selection of a candidate for the Senatorship he had no foeman, and he was named by acclamation as the Republican candidate in the separate balloting to take place in the two houses the next day.

The Democratic caucus for the selection of a minority candidate against him,—over which Senator Martin, of Sussex, presided,—was as full of excitements as the Republican conference had been devoid of them. To keep himself in line for the succession upon the first occasion when the Democrats might again have a legislative majority, Senator Smith was eager for the empty honor. Among those who were members of the caucus to name him were Leon Abbett, Jr., son of the late Governor from whom Mr. Smith had snatched the toga in 1893, and Allan McDermott, who had been Governor Abbett's chief lieutenant. Both accused Mr. Smith of having reached the Senatorship by a betrayal of Abbett, and McDermott absented himself from the gathering. Others who sat in the caucus had regarded the Senator's attitude in the Bryan

campaign as indication of party disloyalty. Mr. Smith had an overwhelming majority of the Democratic members with him; but these elements of opposition insisted on making themselves heard if they could not make themselves felt.

Assemblyman Murphy, of Hudson, put Senator Smith's name before the caucus. Allan Benny, also of Hudson, presented the name of William D. Daly. "And," exclaimed Senator John R. Foster, of Hunterdon, "in seconding Mr. Daly's nomination it affords me great pleasure to raise my voice for a candidate whose Democracy has never been questioned." Wright, of Hudson, voted with Benny and Foster for Daly. Assemblyman Abbett, of Hudson, and Senator Barber, of Warren, refrained from voting. All the votes were cast for Mr. Smith. In the balloting for the election in the houses the next day Leon Abbett voted for Smith, "in obedience to the voice of my party," he explained, "but not as an expression of my personal choice." Each house gave its vote to Mr. Kean. They got together the next day to compare journals. The records showed that they had agreed on the one candidate, and Senate President Johnson, who sat over the gathering, made official declaration of the ex-Congressman's election as United States Senator for the six years following March 4, 1899.

The new Senator was a young man for one with so notable a career. He was three or four years less than fifty years old. His family had been noted in the business and social life of the State before he came upon the scene of politics. Col. John Kean, his father, was one of the earliest promoters of the New Jersey Central Railroad enterprise, and was long known as a power in the railroad world. The family genealogy connected his branch with the proudest stock in the land. The Senator is himself a great-grandson of William Livingston, New Jersey's Revolutionary Governor and a signer of the Declaration of Independence. The Rufus King family is of the same ancestry. Ex-Secretary of State Hamilton Fish was closely related to him; and his kinship with the family of President Roosevelt is only one degree removed.

Liberty Hall, his home in Elizabeth, is one of the noted historical spots of a State rich in them. It was old Governor Livingston's mansion. In its spacious parlors John Jay became the husband of one of the Governor's three daughters, all

famous for their wit and beauty. The elopement of a second of the girls with Lord Bolingbroke was one of its romances. When the British had set a price on the Governor's head the family left the mansion to its fate, and while they were in seclusion it was stripped of its decorations—even the window sashes were taken. It was rehabilitated in time, however, to entertain Martha Washington when on her way to New York to witness the first President's inauguration. Later it was purchased by Mrs. McKean, a niece of Governor Livingston, and the name Ursino which she gave to it has been retained since it came to Senator Kean as an heirloom.

Graduated from Yale, Mr. Kean equipped himself for the practice of the law. But the large estate of the family engaged him in business affairs, and his activities in that line have done more than those of any other citizen to upbuild and improve Union County and Elizabeth. He made, nor makes, claim to oratory; but he has a faculty of insinuation that goes deeper than the phrase in which it is set. Through it all, however, runs a whimsical humor that gives a healthy and pleasant odor to his address and conversation. When the Senators and House members flocked to the famous Parlor 100, in the Trenton House, to felicitate him on his election he received them with the fine old courtesy with which the Revolutionary grandees who had been masters of his historical home in Elizabeth might have greeted them.

A second Senatorial election before its close was a unique feature of Voorhees's term in the Governorship. General Sewell's term in Washington expired in 1901. Both houses were Republican, and he scored an easy reëlection. He had no rival in the caucus this time. Neither those persons who had aspired to the office in 1881 nor Franklin Murphy, who had thrown down the gauntlet to him in the caucus of 1895, came into view. Johnson, of Bergen, the President of the Senate, presided over the party gathering that gave the General its unanimous support, and also over the joint meeting of the houses that reëlected him for the third time.

The ordinary amenities of politics would have given the minority nomination to ex-Senator Smith, of Newark. But of the nineteen Democrats in the two houses the twelve whom Davis had sent from Hudson formed a majority; and Davis,

who had not yet recovered from his dream of superseding Smith in the State leadership, would not permit them to honor Smith with the compliment. Davis was never able to explain why he forced them all to vote for Alva Clark, of Somerset, in the joint meeting. Clark had at one time been a leader of some influence in middle Jersey, but he had long been regarded as *passé*, and only Davis's fiat made him the hopeless candidate of the Democratic minority against Sewell.

CHAPTER X

INCIDENTS OF VOORHEES'S RULE

Little Johnny Pfeiffer's Flight From Snake Hill Takes the Rest of the Little People Out of Bestial Almshouses—Fighting Mosquitoes Becomes a State Function—Reclaiming the Great Meadows—Matron Eyler Investigated.

When the Legislature of 1899 had gone the round of the series of unusual diversions with which its session had opened and was ready for the serious work of the winter, a ten-year-old boy pointed it to a field of inquiry and of reform in the State's penal and charity methods that became the chief decoration of the Voorhees administration. Little Johnny Pfeiffer had had one of his legs so badly mangled under the wheels of a trolley-car that it was necessary to rush him to a hospital for its amputation. His mother's mind was wrecked by the loss of her boy's life, as she supposed, and she was sent to the same institution for treatment. The woman, recovered, and the boy, patched up, were released one day, only to find that the husband and father had disappeared. They struggled along in the direst poverty, with the daily hope that the bread-winner of the family would return; but he never came. And, unable to keep the boy with her longer, the unhappy mother tearfully led him to the Hudson County Almshouse at Snake Hill.

The institution, run by a low line of Hudson County politicians, was a noisome, ill-smelling place, and Johnny, seeing it was no place for a self-respecting boy of ten, who had had a home of his own, resolved to go out and make a living for himself in better surroundings. He sought work, but wherever he went his legless trousers, which should have moved any one he appealed to to help him, prompted all to turn him away. Shelterless and hungry, Johnny wandered around aimlessly until he fell into the hands of the police, and was taken to a station house for vagrancy.

"We'll give you a home, sonny!" soothed the Desk Ser-

geant when he saw Johnny's face become a study in agony. "We have a place for homeless little fellows like you."

Johnny's face whitened as he caught the railing in front of him to save himself from falling because of the head-swim that came upon him.

"You don't mean the almshouse again, do you?" he asked in a voice full of terror, and shrinking back as if from an apparition. "Don't send me there!" he shrieked. "I want to make my own living. I want to be a man, and no one can grow to be a man there. If you send me back to Snake Hill, I won't be nothin' but a bum all my life. And I don't want to be a bum, nor I won't, neither!"

To the presence of a Jerseyman in the chief place on the New York *Herald* the State owes it that this appealing incident was followed by the notable humanitarian reforms that marked Governor Voorhees's administration. William C. Reick, for many years James Gordon Bennett's personal sponsor in the management of that great property, but now, as its publisher, bending all his splendid energies to the making of a greater paper of *The Sun,* is one of a number of notables whom New Jersey has contributed to the metropolis to be its guides, mentors, and rulers. William McAdoo, once Assistant Secretary of the Navy, but later chief of the local magistracy of Greater New York, is a native of Jersey City and represented a New Jersey district in Congress until Bob Davis closed the door that opened another of greater opportunity across the river for him. It was for Colonel Harvey, the head now of Harper's publishing house, that Governor Abbett had the office of State Banking Commissioner created in 1883. George McAneny, President of the Borough of Manhattan, was a pupil in Professor Joslin's School No. 12, on Jersey City Heights,—the son of an old-time official in the Greenville section of the city. George W. Young graduated from E. F. C. Young's bank in Jersey City to the Wall Street life of which he has become so conspicuous a part. Nicholas Murray Butler, President of the Faculty of Columbia College, is the son of a Paterson citizen who once cut a wide swath in the public life of New Jersey. And Gen. Howard Carroll, who years ago was a candidate against Gen. Henry W. Slocum for Congressman-at-Large in New York State, and, as his son-in-law, now con-

trols the great properties of the late John H. Starin, was promoted from Jersey City journalism to the national field, in which, as the New York *Times's* free lance, he afterward shone.

But of them all none has kept in as close touch with the State that gave him his start in life as Mr. Reick. His interest in New Jersey affairs found expression in the establishment for New Jersey of a special New Jersey edition of the *Herald* that for years was the most potent single force in New Jersey's affairs, and the story of little Johnny Pfeiffer, appealing primarily to his news instinct, was of deeper interest to him because it was from the State in which his public work had first been done. The *Herald* commissioner whom he hastened to New Jersey to learn the cause of Johnny's awful scare came back with harrowing details of conditions at the almshouse in Snake Hill that shocked the country and made reform imperative.

With the County Penitentiary, the almshouse stands on the sugarloaf mound that rises, like an island in a sea, out of the Hackensack meadows west of Jersey City Heights. The builders of the institutions were forced to drive the snakes out of it before they could begin their work on them, and it has ever since been known as Snake Hill. It is miles away from any settlement; the murky waters of the Hackensack River flow at its base on the north, and it is surrounded on all the other sides by marsh lands that it is worth one's life to venture upon,—marsh lands overgrown with tall stalks of rank meadowgrass, and alive with the most voracious breed of mosquitoes in the country.

When the *Herald's* inquisitors visited the place they found the conditions as uncanny as the locality. The almshouse, itself the abode of filth, was full of indescribably degraded, abandoned, and dissolute paupers, and every kind of communal nastiness and vice prevailed among them. Within its walls were families that had been reared there by parents who had themselves been born there. And of those who sometimes went out there were hosts who returned periodically at given seasons of the year to eat of the bread of idleness and dependence. The sense of sexual propriety was lost in them all; they were ignorant, most of them brutal, and all depraved beyond descrip-

tion. Their bodies were covered with vermin; their minds even fouler than their limbs. Mark Fallon, himself a member of the board that had the place in its keeping, declared that he could not have imagined anything so vile; that he could not have believed it possible if his eyes had not seen it.

The prevailing loathsomeness of the place became tragical when the pressing of the inquiry brought the revelation that, condemned to herd with this debauched colony of vile men and viler women, were more than three hundred little children dependents. Year in and year out the impressionable buds had been eating with their depraved elders, sleeping among them, mingling with them, tutored by them,—their hideous exemplars in speech and thought and morals. Johnny Pfeiffer had misconceived the situation when he told the police that one could not grow to manhood or womanhood in so foul an atmosphere. On the other hand, they were all prematurely old in guile. Their shrewish little faces showed how much they had been taught of the things they should never know. Their tongues were set to phrases that pass current only among those grown old in vice. The tramp was the highest type of free man their surroundings had made it possible for them to picture; the burglar was the hero of their imaginations. The colony of little ones were being trained in the almshouse for the penitentiary, the grim walls of which overshadowed it.

The exposures of this awful shamble pointed out to the State Charities and Aid Society a direction for the profitable employment of its energies. The moving spirits in the society were Mrs. Emily E. Williamson and Hugh Fox. Mrs. Williamson was a townswoman of Governor Voorhees and the daughter-in-law of the late Chancellor Williamson. Mr. Fox is the Secretary of the National Brewers' Association, with a home at Bayonne. Both had devoted years to the study of charity methods in all the States. They saw at once that there was no remedy for the conditions at Snake Hill except through the agency of a board invested with State powers.

They proposed the creation of a State Board of Children's Guardians, with authority to provide wholesome homes for the little dependents of the public. Their suggestions aroused the opposition of some private organizations engaged in child traffic under the guise of child rescue. The sale of parentless

youngsters for adoption was making them rich. And, besides, some county officials who were finding profit in feeding their local paupers were reluctant to lose it. Even after the bill creating the board had been signed by Governor Voorhees Mrs. Williamson, who addressed herself with characteristic energy to the relief of the Snake Hill colony, found her work obstructed by the greed of the local officials. But she pressed on in her mission of mercy, and within the following month all the three hundred little ones were housed in comfortable homes that she had found for them in families to whom the pitiful board money was an attraction. When this humane change had been made she directed the energies of the State Board to the relief of children in the almshouses in other counties, and soon had done for them as she had done for those in Hudson. The powers of the State Board have been strengthened and widened by amendments since made to the creating act, and its vigilance and activities in the conservation of the homeless children of the State are contributing to the honest, self-respecting, and self-supporting citizenship of the Commonwealth a new generation of youth that, but for its beneficence, would have been reared to careers of crime, idleness and pauperism.

The philanthropies that are producing these happy results found other fields for their exercise, and were particularly busy in laying foundations for permanent usefulness in securing state recognition and aid while Governor Voorhees was in office. The first termers next engaged the attention of Mrs. Williamson and her associates. They are for the most part erring men and women whom the associations of the prisons can only harden in crime. Mrs. Williamson urged their separation from the professional criminals who crowd the penitentiaries, and a system of rewards in punishments that encourages them to turn their eyes again to the paths of decent citizenship. The reformatory at Rahway is the visible monument of her labors in behalf of those stumbling ones who need only a kindly and sympathetic hand to lift them to their feet again.

The system of release on probation, which is accomplishing wonders in saving erring youth from the contamination of a service in jail to lives of usefulness, is also of this remarkable woman's inspiration. The probation officer has become part of

the Court equipment in every county, and it is so vital a post of humanity that some of the leaders in penal and charity reforms have themselves sought it, that they might work out the methods of administration to the largest possible results. Mrs. Williamson was for some time the probation officer in her own county of Union; and in Hudson County Richard Stevens and Mrs. Alexander, his sister, of the noted Stevens family of Castle Point, who had become deeply interested in humanitarian problems, consented to perform the functions of the office.

Reclamation was the password to other legislation of the Voorhees régime. While Mrs. Williamson was exerting herself to save its citizenship to the State the Governor was interesting himself in the other direction of developing its natural resources. A law drawn under the auspices of Engineer C. C. Vermeule for the reclamation of the miles of waste meadows lying between the west slope of Bergen Hill in Jersey City and the Passaic River is finding its sequel in a great public betterment. It is out of this enormous expanse of marshes that Snake Hill rises. The task of making them available for community use, long deemed a hopeless one, was seen to be feasible when the Pennsylvania Railroad Company redeemed a patch from the bogs for its repair shops. The Hudson County authorities found it possible, too, to stretch a driveway from Jersey City to the county institutions across them. The encroachment of population on the edge of the great waste at the foot of Bergen Hill on the Jersey City side and in the "Down Neck" section of Newark on the other, and the erection of homes on the east and west fringes, where the less energetic and the less far-seeing ones thought no homes could ever stand, opened the unprophetic eye to the possibilities of their development. Vermeule urged that the Holland plan of dyking and draining would fit the waste for the uses of the public, and the passage of an act of that tenor, offered by Senator Ketcham, resulted.

The State's activities aroused the interest of the localities in work of redemption. Jersey City, which lies on one side of the Meadows, and Newark, which bounds them on the west, began to see the possibilities of water-front traffic which the conquest of the marshes would bring to them. Jersey City

planned a line of piers along the Hackensack water front, and Frank J. Bock, a Commissioner of the Street and Water Department in Newark, made attempts to induce his city to embark in a canal and docking scheme that would have carried the commerce of the nations into the very heart of the city. Private enterprise pushed into the territory while these public enterprises lagged, and now the swamps are laced with primitive highways; long lines mowed through the tall grass that hides the morass tell of coming streets. Hudson County has recovered ground from one edge of the bogs and turned it into a park. "Mosquito Tavern," pitched in the midst of the swamp, has become a way station for the wayfarer. Harrison and Kearney, the lonesome Hudson County towns that dared the elements by inviting settlements on the Passaic River extremity, are pushing their boundary line yearly further into the swamp. And all around are ever-increasing indications that the waste is to become eventually the scene of enormous industrial, commercial, and civic activity.

These processes of redemption were substantially promoted by the efforts of the State to banish the mosquitoes that nest in the waste places. The Jersey mosquito had so long been the stock in trade of the wits and wags of the country that he must needs be a timorous fellow indeed who could dare to suggest that the midsummer swarm of stinging songsters presents really the most serious proposition the statesmanship of the Commonwealth has to deal with. Ex-Judge William T. Hoffman, of Monmouth, dared the risk of being sent down to posterity labeled as the "Mosquito Statesman," when he offered in the Legislature of 1902 a bill for the creation of a State Mosquito Extermination Commission. His figures showing the effect of the mosquito's sting upon the substantial welfare of the State silenced the threadbare jocularities of the heedless. The beauty spots were most subjected to the swarming of the pests in the seasons when the Garden State was in fullest flower. Thousands of acres that ought to be priceless were made uninhabitable at the times when they should be most sought. The upward bounds their values would take with the nipping invaders driven off would add inestimable millions to property values. If the State were to spend millions in their

pursuit, she would get them all back in her revenue from the enlarged ratables.

Under the impulse of these arguments, the Legislature decided to undertake the siege. The State began, however, with only a small appropriation of $10,000 for experimental purposes, and Professor Smith, of Rutgers College, was employed to plan the exterminating campaign. The drying up of the swamps was the chief aim of his crusade, and the big waste is being ditched and dyked and treated to all other draining devices. It is costing the Commonwealth many hundreds of thousands of dollars; but the money is doubly invested, to the State's enormous advantage. It is banishing the pest that had been handicapping her growth, and incidentally is reclaiming the marshes,—as boundless as the prairies,—that lie in the very bowels of her metropolitan district for the use and occupation of her people.

In the survey of the field of legislation for other directions in which its energies might be profitably employed, the building and loan associations came into view as needing public attention. They had become such enormous depositories of the savings of the people that they had really become a part of the savings bank system. Many of them, departing from the original conservative line of investment, were engaging in the policy of note discounting that is followed by the depository banks, national and State. Beyond all this, their profit-earning system was being adopted by speculative private concerns that were not always dependable, and were often established only for the plucking of the guileless. Under all the circumstances the Legislature of 1899 concluded that the public safety demanded that the associations be taken under the wing of the State Banking Commission and subjected to the same espionage to which regular banking institutions are required to submit.

The newspaper sensation of the Governor's administration was the enquiry into the charges of cruel treatment of young women inmates that were preferred against Matron Eyler and other officials of the State Reformatory for Girls in Trenton. Mrs. Eyler happened to bear the name of the Spanish Governor General whose atrocities in Cuba had precipitated the war with Spain, and the public was prepared to believe anything that could be said against one of that hated name. The

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investigation set on foot by the Legislature disclosed details of a harsh discipline that prevailed at the State Home; but it was palliated to a degree by proof that the girls who had been made its victims were a hardened lot whom only strong repressive methods could keep in presentable order. The enquiry,—conducted under the auspices of John H. Backes, a well-known Trenton lawyer, who is now a Vice Chancellor of the State,—resulted in a change of management at the home, the abolition of corporal punishment, the use of straitjackets, the so-called dungeon or room of solitary confinement and other practices which received public condemnation; but Mrs. Eyler was reinstated, after it was over, by Governor Voorhees.

Major-General Joseph W. Plume's resignation from the National Guard of the State was a personal incident of Governor Voorhees's term that led to much speculation as to the secret that underlay it. General Plume was rounding up forty-six years of valuable service in the State militia. A pique over ments for the Spanish-American War was said at the time to have inspired the letter of retirement which he forwarded to some incident of precedence in connection with the assign- the Governor. General Voorhees sent to the Senate the name of United States Senator Sewell, who was then commander of the Second Brigade of the National Guards, as that of his successor, and the confirmation of the nomination was immediate and unanimous.

CHAPTER XI

VETO POWER IN LEGISLATIVE RECESS

Governor Abbett had Acted on Bills a Year After Close of Session, Voorhees on Day of the Close—Fort Held to the Five Days Limit, and the Court Approves the Policy.

In common with all his predecessors, Governor Voorhees found himself confronted, at the close of the first legislative session of his administration, with the problem of the time within which he must dispose of the mass of bills bundled into his office in its expiring hours. The Constitution has no provision on that point, and apparently makes the Governor a law unto himself in determining it. "Every bill," a section in Article 7 reads, "which shall have passed both houses shall be presented to the Governor; if he approve it, he shall sign it; but if not, he shall return it with his objections to the house in which it shall have originated," and then goes on to describe the method to be followed in dealing with his veto. "If any bill shall not be returned by the Governor," the quoted Article 7 resumes, "within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature by their adjournment prevent its return, in which event it shall not be a law."

Governor Voorhees set a precedent when he concluded that he would consider no passed act after the *sine die* adjournment of the houses. The right of the Governor to veto or to approve of bills left in his hand by the closed Legislature has always been a moot point among the men of state. The Constitution requires the Governor, if he disapproves a bill, to have his reasons before the Legislature within five days from the time when he receives it. But what is his prerogative, in that respect, after the lawmakers have gone to their homes for the year? Many of the Governors have gone on the assump-

tion that they can dispose of the left-over legislation at their leisure. The houses of the Abbett administrations had more than once thrown a pile of 200 passed bills on his table, and then adjourned for the year, and Abbett had felt at liberty to dispose of them as he found time to consider them. His veto of the coal combine bill was not written till five or six months after the final adjournment of the Legislature that passed it. His view was that as the three departments of the State government are coördinate, he was a law unto himself in the matter of the discharge of his gubernatorial functions, and his action on passed acts, months after they had been placed in his hands, was never made a point in a case in Court. The Court might have said, if the point had been litigated, that it had no more right to direct the Governor in the discharge of his sworn functions than he had to dictate to it, and thrown the matter out as something over which it had no jurisdiction.

The argument for the method Governor Voorhees decided to adopt found its support in the procedure followed in Washington. The President of the United States sits at the Capitol in the closing hours of the Congressional session, that he may act on the final acts as rapidly as they are passed, and finds no authority to veto or approve of any after the *sine die* adjournment has made revision or his work upon them by the houses that passed them impossible. Following this example of the "man higher up," Governor Voorhees sat in his office in the State House all the night that closed the winter's session, and before the gavels of the presiding officers tapped the signal for the end of the Legislature he had signed or returned, with his objections, to the houses every act they had perfected.

When Judge Fort came to the Governorship seven years later he acted on the theory that as the Constitution limited the Governor to five days in the treatment of passed bills, they became dead *ipso facto,* unless approved within the five days, though there was no legislature at hand to receive his veto of those he disapproved, and he sat up day and night for the five days following the close of a session to make final disposition of the mass of them each of the three Legislatures of his administration left in his hands. The theory that Governor Fort had reached a right conclusion as to his power in this regard found some countenance in the Court's ruling upon an anti-

grade crossing bill that Governor Wilson vetoed in 1912.

From the days when Senator Johnson, of Bergen, had tried to force the passage of an act for the protection of life at the railroad crossings there had been a more or less energetic demand for legislation of that character. The railroads and the communities, however, quibbled with each other as to which of them should pay the cost of track elevation, and nothing had been accomplished. The railway people demanded that the localities should pay at least half the expense; the localities contended that it was the business of the railroad companies to bear it alone. The situation had become acute when the Legislature of 1911 assembled, and an act offered by Senator Pierce, of Union, putting the whole cost on the companies, found its way, after the railroads had made a determined effort to defeat it, to the hands of Governor Wilson. The railroad lawyers figured that the outlays the bill called for would cripple all and bankrupt some of the companies, and the Governor held the bill while he sought light on the question whether he should sign or veto it.

Governor Wilson thought there was the less demand for speedy action because the House of Assembly, in which the bill had originated, had taken a twelve-day adjournment, and there was no body in session for the reception of a veto if it were to be treated to one. As to the merits of the bill itself, Governor Wilson was inclined to the view that the law should take precautions against forcing the companies into, maybe, wrecking financial embarrassments, and he concluded to send the bill back to the Legislature without his approval, but with an intimation that a more conservative bill would receive his signature. His message to that effect was rushed into the Legislature the moment the houses came together again.

Governor Wilson was at that time the foremost aspirant for the Presidency of the United States. The Legislature to which the veto was submitted was Republican in both branches. The railroads made a strong effort to have the veto sustained. But the Republican managers were rather of the view that it would be good politics to override it. The reënactment of the bill, in contrast with the effort of the Democratic Governor to defeat it, would at once put it in the mouths of the Republican orators to say that this mighty champion of the people against

the corporations in the executive department was, after all, the servitor of the railroads when they needed him, and cast the Republicans in the anti-monopoly rôle that was so popular at the time. Even the Senate forgot its traditional subservience to the corporations, and became the ready accessory of the Assembly in reënacting the bill over the Governor's veto. The Democratic minority in both branches who deplored the veto for the reasons that had prompted the Republicans to hail it, and who were unwilling to exhibit the party with the railroad yoke on its neck, aided in overriding the Democratic Governor.

Immediately upon its repassage the State was torn with a discussion as to whether it was entitled to be filed as a perfected law in the office of the Secretary of State. Eager for the campaign glory of having given to the State its long-wanted track elimination law, in the face of the effort of a Democratic Governor to defeat it, the Republicans proclaimed that their repassage of the act had made a law of it, and they clamored for its enforcement. The railroad attorneys met the cry with the contention that the failure to get the veto to the House within the five-day limit had destroyed the act. And the dispute became so furious that the Governor directed Attorney-General Edmund Wilson to take the bill into the Courts for an adjudication of its status.

The whole Bench of the Supreme Court joined in the conclusion that "the adjournment of the house in which a bill originates, after such bill has been presented to the Governor, if it continues for more than five days after the bill shall have been presented to the Governor, prevents the return of the bill by the Executive to the house of origin within the period, and the effect of such prevention is absolutely to destroy the validity of the bill"; that the Governor's veto is not required to put it to death, and "if he does veto, his act is nugatory," and that "vitality cannot be restored to it"; "the power to make it a law has ceased." The decision held that even the delivery of the veto to an officer of the Assembly within the five-day limit would not have preserved this bill for further consideration.

The law that thus became the subject of so hot a controversy was reintroduced by Senator Pierce in the Legislature of 1912. Both houses were Republican again, and Pas-

saic County was represented in the presiding officers in both branches. John Dynely Prince, the President of the Senate, and Thomas F. McCrann, the Speaker of the Assembly, were both representatives of that county. The Democratic minority endeavored to save some of the glory of the enactment of the law for the Wilson administration by pressing cross elimination acts offered by members of that party; but the Republicans made the Pierce bill a caucus measure and hurried it through to Governor Wilson's hands with the party whip. It had been revised in a way to meet the objections the Governor had made to the defeated act of 1911, and he signed it. The railroads had objected that the elimination of the grade crossings at their exclusive expense would put upon them a ruinous outlay of $250,000,000. The bill as finally passed runs against only those crossings which are dangerous, and Senator Pierce had been informed authoritatively that only twenty per cent of the crossings fell within that description.

The act requires them to abandon such crossings at their own expense at the rate of thirty miles per year, and thus the big expenditure involved will be distributed through a series of years. Senator Pierce's estimate was that the Pennsylvania Railroad Company will be forced by the act to change grade at twenty-six crossings a year; the Jersey Central at fifteen; the Philadelphia & Reading at eight, and the Lackawanna at eight each; the Erie at six; the Susquehanna and the Lehigh Valley at five each, and unclassified roads at eleven. The State Utilities Commission are invested by the act with the power to direct the order in which the crossings shall receive attention. The municipality that asks for the immediate elimination of the crossings is required to pay fifteen per cent of the cost, and the act makes provision for the apportionment of the costs in cases where the steam roads cross each other and trolley tracks.

CHAPTER XII

CHARTER ELECTION DAY CHANGED

The Election System of the State Revolutionized to Keep Dickinson in His Little Office in Jersey City—Legislature, Afraid of Political Effect, Consolidates Spring and Fall Polls.

The culminating sensation of the session of 1901, and the *chef d'œuvre* of the Voorhees administration, was the perfection of legislation that abolished the spring day for the local elections, and threw those in the cities of the State over to the general State election day in November. The law that designated a day in March of each year for the holding of the elections in the towns and villages was not disturbed, but that which had fixed a day in April as that for the choice of officials in cities was wiped out, and the charter and State elections were ordered to be held on the Tuesday following the second Monday in November.

The movement that eventuated in this vital change in the State's election system had its inception in the anxiety of Col. Samuel D. Dickinson, who was regarded as the Republican boss of Hudson County, to forestall any effort a future Democratic Mayor in Jersey City might make to oust him from the remunerative City Comptrollership to which his friend and camp follower, Mayor Peter Farmer Wanser, had appointed him. Like the rest of Hudson County, Jersey City was one of the dependable Democratic municipalities of the State. The Griggs tidal wave had swept her from her Democratic moorings and put Wanser in the Mayor's chair. But in all her previous history Charles Seidler and Gilbert Collins were the only Republicans who had ever reached there. Wanser's term was on the eve of expiration, and the forecast of a Democratic successor was becoming quite definite when Dickinson succeeded, by a lucky turn of the cards, in seating in the State

Legislature of 1897 the ten men whom he himself had selected to represent Hudson County in the House of Assembly.

The ten found themselves in a Legislature that was overwhelmingly Republican, and Colonel Dickinson was quick to see the personal advantage to which he might turn it. In two recent elections the national tidal wave had made it possible for the Republican candidates to score majorities even in Jersey City. The signs that this was to happen again in the fall of 1897 were as convincing as were the other signs that the spring election day was to replace Wanser with the Democratic Mayor whose order to leave Dickinson feared. If the Jersey City charter election could only be thrown over to the November poll, the local ticket might be caught in the swim of national politics and a Republican Mayor elected to keep the Colonel in his high-salaried city office. If it were otherwise, the change in the election time would at least prolong his tenure, good only till April, to the close of the year. That would mean a few months more enjoyment of his handsome official salary.

A little bill in the Legislature could change the election date, and the overwhelming Republican majority in both branches was sure to make its enactment an easy feat. A bill affecting Jersey City must needs apply equally to Newark. They were both of the class of first-class cities, for which the Courts had said all legislation must be alike, under the clause of the Constitution requiring general laws for the government of the internal affairs of cities. Happily for the Dickinson plan, Major Carl Lentz, the leather-lunged Republican boss of Essex County, was quite as eager to have the election date changed for Newark as Dickinson was to have that for Jersey City changed. Newark had been rolling up big Republican majorities for the local ticket. But, two years before, she had deposed Lebkeucher and given her Mayoralty to James M. Seymour, whose plainness and widely recognized probity had won the popular fancy. Seymour's renomination by the Democrats was a foregone conclusion; if the vote were taken in the spring again, his reëlection was quite as certain. But if the election were deferred to the fall, there was likelihood of his being caught in the undertow of the national and State campaign, and swept to the deep.

Thus the two Republican local bosses of military title found

common cause in a bill changing the election date. They had yet to convince General Sewell, without whose "O. K." no bill could get through a Republican Legislature, that it would be good politics to enact such a measure. He refused to be convinced, but as Lentz and Dickinson were lieutenants of his, with powers of local retaliation which he did not care to energize, he finally consented to keep his hands off.

A bill affecting first-class cities acceptable to the reigning bosses in the only two first-class cities in the State, and in a way sanctioned by the manager of the Legislature, was drawn in Jersey City, and one evening in January Assemblyman John E. McArthur, who was Colonel Dickinson's closest political ally and personal friend, sent it to the clerk's desk in the House. It provided for the holding of the charter election in the two cities at the general election day in November; began the tenure of the local officers to be then chosen with the opening of the new year, and prolonged the terms of those in office at the time till the new administrations came in.

Both branches of the Legislature were all but unanimously Republican. Only four of the sixty seats in the Assembly chamber were held by Democrats; in the Senate were eighteen Republicans and but three Democrats. Robert Williams, the blond Passaic Senator, presided over the upper branch, and George W. McPherson, of Mercer, sat in the chair in the Assembly. It seemed as if no excess of partisanship could shake legislative majorities so unprecedented. But the offer of McArthur's bill gave the leaders in the two houses a surprise that did not please them, and the effect on the party workers outside the Legislature was like that of a shock.

Several of the Republican Senators protested that they would never vote for it. The Essex County Republican Committee had to be whipped in line for it. Governor Griggs declared it to be violative of all the safe rules of government. The Republican caucuses in both Houses balked when they were asked to make it a party measure. Only the overwhelming majority the Republicans had in either house made its acceptance possible. The Good Government Association in Jersey City sent Dr. I. N. Quimby and Charles S. Furst to declaim against it in committee. Congressman Thomas McEwan, Jr., the only Republican who had scored an election in Hudson County in

thirty years, poured hot shot into it. The Rev. I. W. Hathaway, a noted Presbyterian pastor, wired Senator Daly, of Hudson, to "kill that iniquitous bill at whatever cost."

But the party advantage of the consolidation of the two elections was an effective foil against all these opposing demonstrations, and one evening the bill was jumped out of committee in the House and whipped through by a vote of 47 to 7. Among the Assemblymen who thus started it on its rush to the statute books were Frank T. Lloyd and Harry Scovel, of Camden; Robert E. Hand, of Cape May; Bloomfield H. Minch, of Cumberland; Thomas H. Jones, George W. W. Porter, and Carl V. Baumann, of Essex; David O. Watkins, of Gloucester; William George Nelson, William M. Klink, Robert D. Urquhart, John E. McArthur, W. Halsey Dod, and W. O. Armbruster, of Hudson; Joseph B. Righter, of Morris; Elijah C. Hutchinson and George W. McPherson, of Mercer; Oliver H. Brown, of Monmouth; Henry W. Gledhill, of Passaic; Joseph A. Crispen, of Salem, and J. Martin Roll and W. R. Coddington, of Union. Of these, however, Assemblymen Klink, Porter, and Righter had stood in opposition to the bill as an assault upon municipal home rule that the people would not tolerate.

When they had proven powerless even to delay its passage, the act was hastened to the Senate for concurrence. There, to the discomfiture of its impatient promoters, it lay in the hands of the Committee on Elections for two weeks. Senators C. A. Francis, of Monmouth, and Voorhees, of Union, the committee majority, feared to report it. Senator William M. Johnson, of Bergen County, exerted his powerful influence against so ill-advised a change. But it was finally levered out of committee and put through, with just the eleven votes needed for its passage to its credit. The affirmative votes were cast by Senators Francis, of Monmouth; Jacob Gould, of Sussex; Charles R. Herbert, of Middlesex; Samuel D. Hoffman, of Atlantic; H. W. Johnson, of Camden; George W. Ketcham, of Essex; R. C. Miller, of Salem; Charles A. Reed, of Somerset; S. H. Stanger, of Gloucester; E. L. Ross, of Cape May, and Edward Caspar Stokes, of Cumberland.

The three Democratic Senators,—Daly, of Hudson; Judge Kuhl, of Hunterdon, and Barber, of Warren—were reinforced

in their votes against it by Senator Johnson, of Bergen; Gen. William H. Skirm, of Mercer; Foster Voorhees, of Union; J. B. Vreeland, of Morris, and Robert Williams, of Passaic. Governor Griggs received the bill by nightfall. The next morning he was at his office in Paterson early, to hear objections to it presented by a delegation from Jersey City. A few hours later he started his private secretary, Hobart Tuttle, to Trenton to file it as a law, with his approving signature attached to it.

Under the old law the election in Jersey City was due within two weeks. The Democrats preferred to take the view that the new act, applicable only to first-class cities, was unconstitutional; there was no more reason in the nature of things, they contended, why charter elections in first-class cities should be swamped in the general November election than that the charter elections in cities of other classes should be buried in it. They took steps to secure an early ruling of the Court upon its legality, and nominating Edward Hoos for the Mayoralty, they prepared to elect him. A hasty case was made for the Courts. The Judges arranged a speedy hearing and threw the act out as unconstitutional in time to permit the election to proceed on the regulation day in April. Dickinson's attempt to steal the city stirred up such indignation among its people that they rushed to the polls with Hoos ballots in their pockets and made him Mayor by one of the most pronounced majorities any candidate had ever received in the city.

Though Mayor Hoos did not delay when the opportunity came to put Dickinson out of his fat city berth, the Colonel did not abate in his efforts to change the date for the charter elections in the cities. "To save his face" among his fellow-Republicans he spent all his spare hours in arguments designed to justify the wisdom of the policy of consolidating the elections. The leaders and workers all over the State had observed the effect of the change upon public sentiment in Jersey City, and had heard its echo in other parts of the State, and they listened without being convinced. The sympathetic Lentz argued, a good deal more noisily, along the same lines, and in 1900 he induced the Republican State Committee, by a vote of 8 to 6, to declare in favor of the change.

Using that as a club with the Legislature of that year, he

tried to persuade the lawmakers to repass the overthrown McArthur act, with amendments to meet the objections the Courts made to it. But Senator Johnson, who was President of the Senate that winter, had set his face so resolutely against it, and Governor Voorhees, who had now succeeded Griggs, was so skeptical about its wisdom or safety, that the suggestion was nowhere entertained. The spirit of partisanship had become inflamed by the quick successes the party was achieving all over the State when the Legislature of 1901 began to assemble in Trenton. It was quite manifest that the party leaders and workers were more ready to indulge in partisan excesses, even at the risk of popular displeasure, than its predecessors had been, and the lobbies of the State House and of the hotels rang with prophecies that, daring what its predecessor had recoiled from, this Legislature would not adjourn till it had put the act on the statute books.

Even yet the intimation that the Solons would be made to face the bill made some of the party magnates restive. Governor Voorhees was quoted as having said that such a bill could never become a law. Senator Stokes, of Cumberland, who had voted for the bill in 1897, threw the weight of his influence against it now. Senate President Pitney feared that it might handicap the party whose candidate for Governor he hoped to be in the campaign of the following fall. Senator Wakelee, the Yankee-faced, keen-minded lawyer who had succeeded William M. Johnson as the "Gentleman from Bergen," shared Pitney's apprehensions. Edgar Williams, a newspaper editor, who had come to the Assembly from Essex, denounced it as a bit of party madness. The anxious Senators insisted upon hearing from the chairmen of the county committees all over the State and getting their views as to the political expediency of the act before consenting to even so much as think about it. They came in swarms, some of them at the command of the bosses, to say that it was the thing the party needed to perpetuate its hold on the State; a few to protest that its passage spelled party disaster. The House members, urged to make it a caucus measure, hemmed and hawed and stayed away from the party trysting places.

Everybody felt that it was in the air, however, and everybody was trying to dodge it when one evening toward the close

of the session Assemblyman Ellis R. Meeker, of Union County, shied it into the arena.

"Mr. Speaker," he mumbled, as he half rose from his seat, "I desire to introduce a bill."

Clerk James Parker's announcement of the title, when he had received it from the hands of a floor page, fell like a thunderbolt upon the assembled statesmen. The Senate emptied into the Assembly chamber to make anxious enquiry whether some one had really been audacious enough to "put it in." Those who were looking on at the time thought they detected a shamefaced air in Meeker's behavior as he rose to introduce it, "and," one declared, "he looked around him as if he expected a clip under the ear."

"Who drew it?" he was asked by one of a dozen who flocked to his desk.

"I did!" he faltered.

"No one help you?" came in another voice.

"No; did it all by myself!"

"Who told you to offer it?"

"Why, no one; I did it all by myself."

In spite of his stammering assurances of lonesomeness in precipitating it, it was soon manifest that there was a strong party pressure behind it. It was chased through committee and out of it again; hustled on the House calendar; rules were suspended for its speedy reading, and the day after its introduction the Assembly had passed it and sent it to the Senate for concurrence, not, however, till, by their negative votes, eight of the Republican Assemblymen had made their final protest against its enactment. They were Carr, of Ocean; Wright and Horner, of Burlington; Hyres, of Monmouth; Steelman and Moore, of Cumberland, and Tillottson, of Bergen. Assemblymen Blohm, Kirkbride, Montgomery, and Roe, all Republicans, escaped voting by absence.

The forces that had rushed it through the Assembly were on hand to meet it when it was placed in Senate Secretary Wilbur A. Mott's hands. There Senator Thomas N. McCarter, of Essex, discovered that the act was so crudely drawn that the Courts would never sustain it, and it was withdrawn and replaced with a committee substitute which, it was said at the time, Mr. McCarter had drawn. The Senators indulged in a

hot debate when it was called up for final passage. Senators Hudspeth, of Hudson, and Martin, of Sussex, attacked it as destructive of the principles of home rule in municipal affairs, and warned the Republican leaders of the Independent Voter Nemesis that would avenge its enactment.

"The independent voters who, I hear, are so much against a measure of this kind," was Senator Reed's impudent fling, "are the men who want the chance to sell their votes twice a year instead of once."

And, replying to Hudspeth's denunciation of the measure because it was only of partisan inspiration, McCarter hurled this terse epigram:

"The gentleman from Hudson says this is a party measure. Well, I'm not here to favor legislation that will help the Democratic party."

The arguments advanced for the bill were that it would bring more voters to the polls to decide local issues than the spring elections had ever drawn to them, and, besides, save the State and the communities the cost of one of the two elections of the year. The final roll-call lined up every Republican vote in the Senate for it. Senators Cross, Evans, Francis, Haines, Hand, Hutchinson, Johnson, McCarter, McKee, Miller, Pitney, Reed, Smith, Stanger, Stokes, Strong, and Wakelee responded in the affirmative. Three Democratic Senators,—Gebhardt, Hudspeth, and Martin,—recorded their votes against it. Cornish was not in the Senate to vote.

It was necessary, of course, to send the act back to the House for concurrence in its new shape. That was readily given, and Speaker Bradley certified it to Governor Voorhees. In the shape in which it reached his hands it consolidated the spring and fall elections, naming the November day for both; was applicable to all cities without regard to class; directed that the new local officials be chosen under it to enter upon their offices on the New Year Day following the election, and extended the terms of the present incumbents to suit. After Governor Voorhees had signed it, as he did, he was called upon to make a lot of explanations as to the reasons for his change of attitude. When the inquisitive newspaper correspondents put the question to him, he sidestepped with the pretext that he had nothing to do but bow to the will of the people, as reflected by

their chosen Senators and Assemblymen, on an issue of that character.

Just as in 1897, the spring elections were pending at the time the law changing their date was passed, and the politicians were undecided whether to go on with their preparations for them or observe the new enactment. The law was hurried to Court, and a branch Supreme Court,—with Justices Van Syckle, Garrison, and Garrettson on the bench,—certified the issue at once to the Court of Errors for final ruling. That Court held that the act was general enough, in its application to all the cities, to meet the constitutional direction, and consequently refused to set it aside.

It furnishes a climax to this narrative to mention that the first result of the change was the loss of Jersey City by the Democrats, and the election of Mark M. Fagan to the Mayoralty there, to put Colonel Dickinson back in the City Comptroller's office, from which Mayor Hoos had ousted him in 1897. It was of such partisan account in other localities that the expediency of making the change applicable to the town and village elections as well was freely discussed. Its underlying principle was, however, so bold a defiance of the home-rule sentiment of the masses that the more conservative of the party leaders, eager as they were for the passing triumphs it assured, hesitated to carry it further. And it was not till the Legislature of 1905 assembled that the proposition took shape.

At that session,—the first of the Stokes legislatures,—Gibbs, of Camden, presented in the Assembly an act providing that the elections for local officials in the towns, villages, and boroughs be held on the day of the general election in November. The Legislature of that winter was almost as unanimously Republican as had been that of 1901, which had passed the act changing the city election date. There were only fourteen Democrats in the House and seven in the Senate. The enormous Republican majority in both had come into power after a long series of triumphs that had made the party reckless and voracious. And the protests of a little handful of conservatives were powerless to stop its passage. Speaker Avis, Duffield, Hildreth, and Van Derveer regarded the town fall election plan as so audacious a stretch of partisanship that they could not vote for it when it whizzed through the Assembly. In the

Senate Cresse, of Salem, described it as "wiping out the last vestige of home rule in the State." But Bradley and Wakelee whipped it through. And within a day after it had been placed in his hands Governor Stokes made it law by signing it.

Through the agency of these two enactments the Republican party laid, in the cities and towns all over the State, a foundation of local partisan officialism upon which the State régimé rested in apparent security. There was still, however, much popular dissatisfaction that became more marked and widespread when the increasing independent element was making ready to reassert itself, and Governor Stokes himself, in his legislative message of 1908, advised a return to the old method. Public sentiment forced both parties in the campaigns of 1911 and 1912 to declare for a repeal of both acts. Before the Republicans had redeemed their campaign engagement, however, the Democrats had swept the State. They had captured the counties and replaced the Republican town and city governments with retinues of Democratic followers. The system that had been so advantageous to the Republicans was proving equally advantageous to Democratic ascendancy now, and Governor Wilson left Trenton for Washington without urging the Democratic Legislature of 1913 to redeem the party engagement to pass repealers of both laws.

CHAPTER XIII

NATIONAL CONVENTIONS OF 1900

Davis Defeats Price and the Bryan Radicals in Struggle for Delegates to the Democratic Gathering—Senator Kean Steps Aside, in the Republican Convention, for Franklin Murphy as One of the State's "Big Four" to the St. Louis Convention.

When Governor Voorhees was put under pressure to sign the first of the anti-spring election bills,—that which changed the election day for the cities,—the Republicans were looking to the gubernatorial election of 1901 to give the landing swing to their local candidacies. The Presidential campaign of 1900, which carried an assurance of a decided Republican triumph in the State campaign of the next year, had opened with the same excitements that had marked the campaign of 1896. President McKinley's renomination was a foregone conclusion long before the Republican National Convention assembled. It seemed to be quite as certain that the Democratic National Convention would put William J. Bryan before the country again. Thus the same candidacies were to lead to a traversing of the same issues that had been threshed over four years before. The demonetization of gold,—or rather the monetization of silver,—was as imminent a result of Bryan's triumph in this later campaign over McKinley as it would have been in the earlier campaign with him. And when New Jersey began to take steps for the choice of the delegates to the two National Conventions the battle cries of 1896 began to sound through the Commonwealth again.

The machine conditions on the Democratic side were not now, however, so unflinchingly set against the Nebraskan agitator. The old conservative forces in the party had been shouldered to the rear by others, who, having stood by Bryan because he happened to wear the badge of the national party, claimed to be the only Simon Pure "Regulars" of the fold. Ex-United

States Senator James Smith had taken to the woods. The new State Committee was full of new men, suppressed in the past, whom the Bryan upheaval had churned to the top. The irreconcilables of the Martine and Clarence Atkinson type were setting the pace for the new régime that was in control.

The current of events had pointed to two of the survivals of the old machines as the new leaders of the State Democracy. Bob Davis's generalship had kept his county of Hudson in the Democratic ranks for the full of the old-time majorities, while the sea of Republicanism was sending sprays to the clouds against the walls all around her. The bulk of the surviving Democratic vote of the State was cast there, and that, of course, gave him a commanding position among the party workers of the State. Then, too, the big Democratic delegations he had been sending from Hudson to Legislatures made overwhelmingly Republican by the voters of other counties had swamped the Democratic legislative caucuses, and enabled him to dictate the party's policy, and name the minority candidates in two United States senatorial joint meetings. That helped to magnify his importance. And even the Democrats from other counties than his own had shown a disposition to kotow to him as Senator Smith's successor in the leadership.

But across the Passaic, in Essex County, Col. E. Livingston Price had at the same time been making some striking exhibitions of Democratic potency. The Essex townships landed the county safely on the Republican side, and he was not able to contribute any Democrats to the houses of the Legislature, as Davis had been doing. But he had taken the reins of party power from ex-Senator Smith's hands in Smith's own county,—the largest in the State; and while everything around was storm-swept by the Republicans, he had twice put James M. Seymour in the Mayoralty of the great city of Newark. That achievement over obstacles that Davis had not been forced to face thrust him into the Democratic lime-light, and his Essex followers were rather disposed to look upon him as the one upon whom Smith's fallen mantle had fallen. He had the further recommendation, in the eyes of the new element that made up the party, of being even more loyal to Bryan than Davis had been. Davis, who was a mere puppet for President E. F. C. Young, of the First National Bank in Jersey City,

had deplored Bryan's devotion to silver, but had led his followers to the bull-ring for him—in the interest of party organization. Colonel Price had gone further—he even defended Bryan's bi-metallism.

There was, however, no bitterness in the rivalry between the two for first place in the party ranks. It was like a friendly wrestling match between two frolicking boys, neither quite certain of his superiority over the other. But each represented his own shade of radicalism, and the line of cleavage between them was easily discernible. Price was the ideal of the extremists, and Davis was looked upon as the embodiment of the conservatism of the radicals.

The test of the relative strength of the two leaders,—and, of course, of the two elements,—came twice in the convention that met in Trenton, May 31, for the election of the State's delegates to the National Convention,—first in the choice of the delegates and again in framing the platform. Six names ran through the pre-convention discussions concerning the personnel of the four Senatorial delegates the convention was to choose. They were those of Davis, James E. Martine, Johnston Cornish, of Warren; ex-Congressman Thomas M. Ferrell, of Gloucester, who had beaten Grant's Naval Secretary Robeson in a hidebound Republican Congressional district; Albert F. Dulin, of Burlington, whom the Bryan wing had selected, and ex-Senator Michael T. Barrett, of Essex.

The Essex delegation in the State Convention, led by Colonel Price as chairman, went to the gathering with the determination to come back with one of these delegate-at-large distinctions in its game bag. It had first tried to induce Judge Gottfried Krueger, a millionaire brewer of Newark, to consent to the use of his name. Krueger was a man of considerable influence in the State, and Price had preferred him because of the votes his name could command. The brewer was not in sympathy with the Bryan sentiment of the hour, and he declined to be used as a cat's-paw. At the dictation of Price, the Essex 170 had changed to Barrett, who was the heir apparent to everything the Newark brewers did not want for themselves. He tried to interest Davis and the Hudson Democrats in Barrett's candidacy, but they were not to be won.

There was no opposition to Cornish or to Ferrell, and they

were named unanimously. The choice for the two other places lay between Davis, Martine, and Barrett. On the roll-call, Colonel Price rose to say that, although the Essex candidate could not expect a vote from Hudson, he was glad to cast the 170 Essex votes for Davis, his Hudson rival.

"I regret," James J. Murphy responded when Hudson was reached in the roll-call, "that Hudson cannot return the compliment, but the Hudson Democrats never break a promise, and I am instructed to cast Hudson's 180 for Davis, Martine, Ferrell, and Cornish."

These four were elected by the convention; Barrett was left in the discard, and Davis had his little triumph over the Essex leader. Col. Meyer Zulick presided over the convention, which completed the State's delegation to the National Convention by naming as district delegates ex-Senator George Pfeiffer, of Camden; Samuel Iredell, of Cumberland; H. H. Postill, of Atlantic; W. J. Harrison, of Ocean; David B. Crater, of Monmouth; S. O. B. Taylor, of Somerset; W. Howard Lake, of Hunterdon; Joshua S. Salmon, of Morris; William B. Gourley, of Passaic; Addison C. Ely, of Bergen; Frank M. McDermit, Michael Doyle, and E. P. Meany, of Essex; William D. Daly and Edward Hoos, of Hudson, and James J. Manning, of Union.

There was more bitterness in the controversy over the platform. The friction grew out of efforts to fashion a hard money plank that would not too much estrange the men who believed in organization. Congressman Daly, of Hudson, who was chairman of the Committee on Resolutions, had gone to Trenton with a series of party deliverances in his pocket. The committee regarded them as too unconservative, and appointed a sub-committee,— consisting of Daly, William D. Edwards, and Mr. Martine,—to frame others. Daly's view of the duty the Democratic voters owed to Bryan were like those of Davis. Edwards was counsel for Mr. Young's bank in Jersey City; Martine was Bryan's closest friend in New Jersey. They had a warm two hours together before they could agree on words. But they finally came in with a resolution declaring in "favor of the bi-metallism that has always been advocated and supported by the Democratic party from its inception to the present time." The convention accepted and adopted it—and adjourned.

The Republican State Convention for the choice of national delegates revealed no differences on the money question, but an adjustment became necessary to settle the rivalries for the four Senatorial delegate places. The State Committee had concluded to confer the distinction on United States Senators Sewell and Kean, Franklin Murphy, and Barker Gummere, the boss of the Mercer County Republicans. Observance of the precedents should have prompted the inclusion of Governor Voorhees, the official head of the party in the State. And there was wide criticism when the public became aware that the State bosses had crowded him out. Governor Voorhees was in Europe at the time, and Senate President Johnson, of Bergen, had qualified as Acting Governor. But Mr. Voorhees's presence in the State was not needed to stir protest against his exclusion from an honor that, one may say, belonged to his office.

The popular outcry gave the State Committee something to think about and to talk about when it met to arrange the preliminaries of the convention on the eve of the gathering. There seemed to be no way out of the dilemma, except by casting out one of the slated four,—which the committee was afraid to do; or by inducing one of the four to withdraw,—which it was reluctant to try. It was regarded as much the *ex officio* right of the two United States Senators as of the Governor to sit in the big places in the National Convention. The Sewell influence, which dominated the committee, had chosen Gummere, who was an ardent thick-and-thin Sewell lieutenant for the third place. Sewell did not probably care to have Franklin Murphy in the fourth place. It was at him that the Sewell men on the committee directed their shafts when the clamor for Voorhees's selection convinced them that some one must step aside to make room for him. But Mr. Murphy had become too large a force in State affairs to be crowded out. He was besides an active candidate for the nomination for Governor to be made in the next year; his withdrawal might have been construed as a confession of weakness in that contest to come, and he would not consent to withdraw.

Thus the lines were drawn between the South Jersey and the North Jersey forces when the State Committee met on the eve of convention day to consider the situation. The Sewell men

saw, as soon as the gathering was called to order, that they were likely to be defeated by the committeemen from the upper end of the State, and they decided to make a virtue of necessity by forcing one of their own off the slate. It was manifestly unrulable that the Big Chief himself should make the sacrifice, and it was common consent that Sewell must be one of the Big Four. The committee dodged a decision whether the one to be withdrawn should be Kean or Gummere. Gummere set his foot down plumply. He simply would not retire. Kean's friends held the honor belonged to him by virtue of his high office. The deadlock was the talk of the hotel lobbies away into the small hours of the morning of convention day. When the speculating multitude began to throng the bars again after breakfast a whisper that Senator Kean had decided to go on the altar crept around.

When Acting Governor Johnson directed, a few hours later, that the roll be called in the convention for nominations, Atlantic County, an uncompromising Sewell borough, put the names of Sewell, Gummere, Voorhees, and Kean before the delegates. Senator Kean's florid face was hailed with cheers as it rose above the sea of heads.

"I move to substitute for those names those of Sewell, Voorhees, Gummere, and Murphy!" he shouted. The welkin rang at this announcement of his own withdrawal. "I supposed," he explained, "that it was known that I am not a candidate."

Flavel McGee, a noted Jersey City Republican lawyer, seconded Kean's motion, and the slate, as he had announced it, went through with a roar. General Sewell sprang to his feet to say how nice it was for his colleague in the Senate to withdraw in the interest of harmony, and the Union man's cheeks burned because of the compliments that were thrown at him from all sides, amid rounds of cheers.

Among the district delegates named by the convention were Dr. Leslie D. Ward, of Newark; Sheffield Phelps, the brilliant journalistic son of the even more brilliant William Walter Phelps; Col. William Barbour, the head of the great Barbour flax thread works in Paterson; Charles J. Fiske, of Plainfield, a member of the noted Wall Street banking house of Harvey Fiske & Sons, and Flavel McGee. In the National Convention Frederick P. Olcott, of East Orange, was on the Commit-

tee on Resolutions; State Comptroller William S. Hancock, on the Commmittee on Permanent Organization; Mr. Gummere, on the Committee on Credentials; Mr. McGee, on the Committee on Rules, and Mr. Barbour, on the committee to notify the Vice-Presidential nominee.

On the way to the National Convention the New Jersey delegation deplored the fact that the death of Mr. Hobart had made his renomination for the Vice-Presidency with President McKinley impossible, and it has been more than once observed that a new current would have been given to national affairs if he had survived to fill the place to which the uproarious Roosevelt succeeded. They forgot, in their commiserations, that all the precedents set by Republican National Conventions are against the renomination of Vice-Presidents, and it may be that even if he had been in the flesh at the time, Mr. Hobart might have been forced to yield to the uniform usage of the party. With Mr. Hobart ruled out by the hand of death, the New Jersey delegates went to the convention to aid Senator John D. Long to secure the Vice-Presidential nomination, which "Easy Boss" Platt, of New York, in the end forced on Gov. Theodore Roosevelt, of that State.

CHAPTER XIV

FRANKLIN MURPHY ELECTED GOVERNOR

Price Names Seymour Against Him; and, With the Aid of the Anti-Trust Issue, Hoped to Win—But the Assassination of McKinley in the Midst of the Campaign Spoiled His Plans, and Saved the State to the Republicans Again.

These details of the preparations by the two parties for the Presidential Conventions of 1900 become more than mere reports of a passing State movement in the light of their effect upon the campaign of the following year for the Governorship. Bryan had suffered his second defeat when the party managers on both sides began, in the early winter of 1901, to look around for Mr. Voorhees's successor in the State House. Major McKinley had been inaugurated the second time as President of the United States, and Theodore Roosevelt sat in the Senate chair which Hobart had filled. New Jersey had given Mr. Bryan 31,000 more votes than she had cast for him in 1896, and Major McKinley's plurality of 87,000 in his first campaign had receded to 58,000 in his second. But his lead had been sufficiently emphatic to convince even the most radical of the Democratic "Regulars" that silver could never be popular with New Jersey voters. And the Democratic leaders felt the need of new issues if their candidacies were to command large public favor.

It seemed as if a kindly overseeing Providence were coming to their aid with a lot of ready-made issues that were beginning to engage the attention of the country. The monumental industrial, financial, and commercial enterprises that were making the United States the foremost business nation in the world had become popular nightmares. They were portrayed as machines of predatory wealth that were feeding on the vitals of the people and spending the fortunes wrung from them in buying the United States Government. The presence of money

magnates in the United States Senate was made the pretext for charges that the Legislatures were selling the seats to these overfed corporations. There was talk of the influences that had brought Montana's Senatorial mantle to the shoulder of William A. Clark. The notorious "Matt" Quay, of Pennsylvania, was under scrutiny, and the methods by which he had acquired his seat in the "Millionaires' Club" on Capitol Hill.

Loss of faith in these Legislatures had prompted the people of some states to take the election of Senators into their own hands. A proposal that the Constitution be amended to permit the popular election of these dignitaries was meeting with immense popular approval. It was a revolution from the representative system of government the Fathers had established to a pure Democracy, but the people were ready to indulge in any kind of a revolution that gave promise of bringing them to their own. Impatient of the time required to make the change constitutionally effective, they had forced the enactment in several states of laws permitting them meanwhile to indicate their Senatorial preferences to the lawmakers. The power to elect the Senators could not be taken at once out of the hands of the Legislatures. But the moral effect of a declaration of popular preference was expected to be decisive till the Legislatures could be denuded of the prerogative so many of them were so scandalously abusing.

This was but one development of a war all along the line upon the great business combinations that the Federal government had apparently taken into partnership with it. The files of Congress were overloaded with anti-Trust acts. Daly, now a Congressman for New Jersey, had offered one of those that found their way into the House of Representatives. The United States Industrial Commission had come on the scene, also, with an exploitation of trust methods and aggressions that had kept the nation absorbed for months. The Commission, consisting of five United States Senators, five Representatives, and nine laymen selected by President McKinley, had been organized, under the supervision of William E. Sackett, of East Orange, its Secretary, for the purpose of making enquiry into the relations between capital and labor, with a view to finding a remedy for the friction between the Master and his Servant. The Commission was created with the purpose of having it

make findings that would reconcile the working masses, who were becoming restive, to the conditions of service the great combinations had set for them. But the public sentiment against the Trusts was so insistent that the commission was dragged into an investigation of the combinations themselves. Prof. Jeremiah W. Jenks, of Cornell University, was called in to direct the enquiry, and the commission prudently pretended to be delighted with the exasperating thoroughness with which he carried it through.

Its members were visibly shocked when Henry O. Havemeyer utilized one of its hearings to explode his famous epigram, "The tariff is the Mother of the Trusts," upon a people that had been suspecting as much, and the reports of the testimony of other witnesses heard by the commission added fuel to the anti-Trust agitations of the hour. The prominence in national life of the commissioners, and of those they had before them as witnesses, gave a dignity, a weight, and an authority to the disclosures that made them all the more powerful in setting public sentiment. Among its members were Senators Penrose, of Pennsylvania; Mallory, of Florida, and Daniel, of Virginia; Representatives Gardner, of New Jersey, and Lorimer, of Illinois; Andrew L. Harris, afterward Governor of Ohio; S. N. D. North, of Massachusetts, afterward Director of the United States Census Bureau, and ex-Congressman John M. Farquhar, the "Old Man Eloquent" of Buffalo, New York. Henry L. Stimson, since Secretary of War in President Taft's Cabinet, was its counsel, and Prof. E. Dana Durand, who succeeded Mr. North as Director of the Census, was its analyst. Those who gave testimony in its Trust inquiry embraced every captain of industry in the country except John D. Rockefeller, who dodged its subpœna, and every labor leader. Among them were John Mitchell, of the Miners' Union; Arthur, chief of the Locomotive Engineers Brotherhood; Henry H. Rogers, John D. Archbold, Elbert H. Gary, Daniel G. Reid, "Betcher Million" Gates, Max Pam, the presidents of all the trunk railroad lines, a long list of manufacturers, and no end of State officials in charge of labor bureaus. The testimony of men so anxious most of them to make the best showing possible for the Trusts, before a commission that was not disposed to harm them, was like that of the reluctant witnesses

in a Court packed to acquit; but the glimpses it afforded between the chinks into the aims and methods of the combinations intensified the public distrust of them and the agitation for a change.

The demonstration against them struck New Jersey with double force. It was New Jersey that had turned them loose upon the land. It was from her that they were deriving their powers of stock-watering, capital-inflating, merging, absorbing, interlocking, and all the other forms of juggling that had given them their ascendancy. An East Orange lawyer, James B. Dill, was the first to see the industrial trend of the times toward this new form of business activity. He had been associated with Reid and the Tin-plate and Zinc Trusts, and had promoted collaterally a number of less pretentious combinations. When Carnegie became involved in complications with his associates in the Steel Trust he called Dill in to help him out of the broil, and gave him a fabulous retainer,—some say it was all of a million,—for doing it. His work on Trust laws is the standard of the Courts all over the country. This nimble-minded East Orange citizen conceived the idea of reaping the harvest of Trust incorporations for New Jersey, and even before the combinations had come into definite recognition he had persuaded the State to prepare for them with a system for their chartering which Governor Abbett, with the aid of Allan L. McDermott, crystallized into law.

The charters she offered lured them. They rushed to Trenton in droves to possess themselves of the limitless powers the charters conferred. The Commonwealth did not dream of the bonanza the East Orange lawyer was providing for her when she opened the market for them. But the wealth the sales of the franchises brought to her made her the envy of all her sister States. They scored her for "mothering the cormorants," and forthwith proceeded to copy her charter enactments into their own statute books in the hope of catching some of the rich trade for themselves. But New Jersey had been first in the field for them. All through her history she had shown a steadfast devotion to corporation interests that portended better staying propensities than the later bidders for their favors were likely to exhibit, and, in spite of all the allurements, they continued to take their birthrights at her hands.

Her string of rich customers had but to tell her what more they wanted for their aggrandizement, and she amended it all into her charter laws for them. The functions with which she endowed them came to be so badly abused eventually that the State became the object of vicious attack. Her sister Commonwealths, balked in their efforts to divert her corporation wealth, chorused that she was sending swarms of business vampires into the land. Even her own people began to revile her for her "conspiracy" with them.

Governor Voorhees, in one of his legislative messages, demanded a modification of the system. He was particularly impressed with the need of legislation against overcapitalization. And the Legislature of 1900, with the menace of a new "coal combine" in the air, also started in pursuit of them. Assemblymen Abbett, son of the Governor who had given the system to the State; McKee, and Bradley were named as a special committee to find out what could be done to check their aggressions. Attorney-General Grey's opinion that the State was powerless to deal with them ended the committee's work. And, seeing how the combinations were making the State the most "comfortable" Commonwealth in the nation, her statesmen took the Attorney-General at his word and forbore to kill the goose that was laying the golden eggs for her. A never-failing campaign document was indeed the report of the State Comptroller, boasting of the millions of balance the patronage of the "big business" concerns was enabling him to carry in the treasury. At the close of Voorhees's administration this surplus exceeded $2,000,000, and, in common with her associate millionaires, the State was looking around for some plan of giving it away, and had about concluded to bestow it upon the schools.

The people were becomingly dazzled by this exhibition of munificence in the "sacred cause of education," but they soon recovered sufficiently to ask whence the wealth that made it possible, and they forgot the philanthropy of the gift in the glimpse it gave them of the magnitude of the bribe the corporations were giving to the State for the enormous powers she was conferring on them. Skilful agitators pointed the revelation with the inquiry whether the wealth of the Indies could compensate her for the shame of her collusion with the "loot-

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ers" of the nation. The Democratic leaders saw the campaign value of the awakened conscience of the State, and welcomed the anti-Trust issue with both arms as that they were seeking to take the eyes of the party followers off the silver calf with which Bryanism had twice lured them into the ambush of defeat.

Colonel Price, of Newark, announced that he had just the gubernatorial candidate for the issue, and he trotted out Mayor Seymour again for the nomination. He made much of Seymour's repute as a man of the people, a mere mechanic who had risen to place much as Joel Parker had done, through recognition of his rugged honesty and of his sympathy with the common people. So far from being a Trust magnate, he was a man of very limited means, and his associates were not the great of the land, but those in the humbler walks of life. He had made a respectable demonstration for the gubernatorial nomination at the convention of three years before, but the Smith forces had overcome him with Elvin Crane.

The suggestion of his candidacy for the nomination of this convention of 1901 rearoused the antagonisms of the previous campaign. Crane, who accused him of having contributed to his defeat in the 1898 campaign, denounced him as a traitor to the party and unqualified for its nomination. Ex-Senator Smith and his campaign manager, Nugent, served notice on him, too, that they would defeat his candidacy by sending to the convention a home delegation opposed to him, and started a counter movement in Essex against him, with ex-Judge Francis Child, of Newark, again as their candidate. The ex-Judge had been posing as somewhat of a Democratic martyr since Governor Griggs had displaced him on the Essex County Bench for Francis J. Swayze, a noted Republican jurist, against the almost unanimous protest of the Essex County bar. The ex-Senator had the better hope of cheating Seymour of his home delegation, because he had just recovered the control of the Essex County Democratic Committee, had deposed Price as its chairman and put his lieutenant, Nugent, at its head. Under the auspices of this committee, in the Smith interest, and of a provisional County Committee Price had gathered around him to help him in his Seymour venture, the two factions made ready for a repetition of the bitter primary con-

test in Essex that had fastened the eyes of the State on that county three years before.

The Nugent committee played a game of delay in fixing the time for the primaries. Price sent out daily alarms about snap primaries. He even said they had been pulled off already in secret places with notices to none except those whom Nugent had ordered to them to vote against Seymour delegates. Three days before the State Convention was to meet, Nugent proclaimed them for that night. Price was given the task of his life to make preparations for them on so short a notice. Nugent, of course, had already marshaled his army for the descent upon the polling places. Fracases with dashes of bloodshed marked the progress of the voting. When it was all over the County Committee awarded the credentials to the delegates named on the anti-Seymour tickets. That was to have been expected. The County Committee was supreme and could commission whom it pleased without regard to the primary voting. Price and Seymour shouted "fraud"; and Judge George H. Lambert, in collaboration with City Attorney Boggs, armed the Seymour candidates with affidavits showing all kinds of election irregularities to back their claims to seats in this convention.

All these movements for Seymour's defeat at home were carried on in the face of Seymour's growing popularity in the counties outside. The most important accession to his ranks was Hudson County. Bob Davis, the leader there, did not pin much faith to hope of a Democratic triumph in the State. He was only interested in helping Banker Young's son-in-law to defeat Mark Fagan for the Mayoralty in Jersey City. In his somewhat indifferent frame of mind concerning the State election, he concluded to defer to the sentiment of his followers as to the State campaign. The homely personality of Seymour had impressed them. Davis strengthened himself in his Mayoralty battle among them by sending word to Colonel Price that the Newark Mayor could count upon the support of the large delegation from Hudson in the convention. He was the more willing to take that stand because Smith was against Seymour, and he and Smith were not entirely in unison in State politics.

Turbulence and uproar were the features of the convention

that assembled in Trenton to settle the rivalry between the two factions. When the roll-call of the counties was read Elvin Crane, as the chairman of the Essex delegation, reeled off the list of Smith delegates. Joseph R. Buchanan, of Montclair, countered with the names of thirty-six Seymour men, who, he claimed, had won in the primaries. A motion to refer the two lists to the Committee on Credentials brought on a scrimmage in which ex-Senator Edwards, Elvin Crane, Meyer Zulick, and Frank McDermit participated. The delegates kept up a din of roars that made it impossible to hear what either said; but the trend of things showed that the Seymour men favored the reference, while the Smith men were content to leave the controversy untouched. Failure to act on the Seymour delegate credentials meant the retention of their seats by the anti-Seymour delegates from Essex.

When the Committee on Nominations met to arrange for the permanent organization of the convention, the Nugent following pushed William B. Gourley, of Paterson (who had served them so well in the Crane convention), for permanent chairman again. The Hudson delegates who favored Seymour insisted upon the choice of Congressman Allan L. McDermott. The honor was given to Gourley. Gourley is a virile statesman, and the Smith followers were convinced that everything was to go their way to the end when he took the gavel out of the hands of ex-Judge Robert S. Woodruff, of Trenton, who had officiated as the temporary chairman.

Catcalls and hisses, shrieks and cheers, and an endless series of squabbles between the delegates in the aisles turned the convention into pandemonium when the work of naming the candidate was begun. The men who did not want to be heard were noisy in their demonstrations against those who did. Gourley split the top of the oak table on the platform when hammering it with his mallet for order. When its thump could not penetrate the tumult, he seized a club and broke it in an effort to overpower the noise. The call of the counties showed that the anti-Seymour leaders had resorted to the usual expedient of splitting sentiment against the man in the lead between a lot of local favorites. But on the informal ballot ex-Congressman Thomas N. Ferrell, of Gloucester, exhibited such strength as an opposition candidate that most of the "fav-

orite son" delegations dropped into line for him on the first formal ballot. The Secretary's tally showed that he was within eight votes of Seymour—480, to the Mayor's 488. There were, besides, 96 votes for Christian Braun, of Paterson; 15 for Lewis J. Martin, of Sussex County, and 65 for Howard Carrow, of Camden. Ferrell, named by ex-Assemblyman Joseph A. Van Syckle, of Atlantic, found a ready second in Elvin Crane, of the Essex delegation. Eckard P. Budd's description of Seymour as "that commoner of the people" was the signal for a whirlwind of cheers from the benches and galleries, and it was seen that even the Smith chairman could not stay its sweep. The triumph he had achieved for the Smith régime in the convention of three years before was not possible now. On the second ballot the Carrow men and fifty of the Ferrell men swung over to Seymour, and Gourley was called upon to proclaim the victory of the man whom he had sent to defeat in 1898. The roll-call showed 615 for the Mayor and 430 for Ferrell, while 15 still stood for Martin and 85 of Braun's men were yet with him.

Having succeeded at his second effort in nominating the Mayor, Colonel Price planted him firmly on an anti-Trust platform, and awaited, with undisguised anxiety, the deliverance of the Republican Convention as to candidate and policy. The shadow cast before by the struggle between the Sewell and anti-Sewell elements of the party in the convention of 1900 over the delegate-at-large selections indicated the nomination of Franklin Murphy, of Newark. Mr. Murphy was one of the band of millionaire captains of industry upon whom the people had set a suspicious eye,—the owner of the largest varnish manufacturing plant in the country, and through the impost on varnishes, a beneficiary of the tariff which Havemeyer, of the Sugar Trust, had confessed to the Industrial Commission in Washington was "the Mother of the Trusts." Mr. Murphy never disguised his sympathy with the larger business combinations which had been fruitful of wonderful business achievements that are away beyond the reach of individual efforts. He was openly for the new industrial method of the age. And after he had become Governor, and at a time when public feeling against the Trusts was even more inflamed, he showed the courage of his convictions by making a

defense of the combinations and a laudation of the State system of corporation laws the feature of one of his annual messages to the Legislature. "There is no more occasion for alarm over them," he wrote, "than there was for our alarm over the ogres of our childhood days. It's time the air should be cleared. Do not let us be disturbed by the clamors of the demagogues." The triumph in the Republican Convention of one so devoted to all the things the Price convention had decried could but emphasize the anti-Trust platform on which Seymour was standing and help the Mayor's campaign along the lines the Colonel had worked out for it. And Price made no secret of his hope that the Republican Convention would "fly in the face of the people," as he expressed it, by putting Mr. Murphy afield against the Newark Mayor.

There was yet to be taken into account the sort of tacit understanding, among the public men, by which Ex-Congressman Mahlon Pitney, of Morristown, was to be favored this year for having stepped aside for Voorhees three years before. Political conditions in Morris County had become somewhat strained, and the leaders there concluded that Mr. Pitney could better serve the party as a candidate for the State Senate than as a candidate again for Congress. He consented to withdraw from the national field, where he was fast becoming a recognized factor, to the State field, and took his seat in the State Senate; and his election to the presidency of that body put him right in line for the Governorship.

General Sewall's antagonism to Mr. Murphy might have made him an active supporter of Mr. Pitney, but the iron-willed General was then in failing health, and so absorbed in his efforts to recover that his interest in political affairs lagged. He had been forced to go abroad in quest of new strength. The stories that came over the seas told only of his growing decrepitude. The reins of power were hanging so loose in his hands that his followers were forgetting their discipline, and some of his lieutenants, eager to kneel at the shrine of the new leader, who seemed inevitable, were encouraged to an independence they never would have dared in his days of health.

Colonel Dickinson, his Hudson lieutenant, and the most

calculating on his staff of local bosses, saw the party's new master in Franklin Murphy, and he hastened to pay homage to him. The campaign was yet young when he assembled his County Committee, and forced it to make formal declaration of its desire that the Newark manufacturer should be the next Governor of the State. The party machinery had long been working to secure Murphy's nomination. But Dickinson made a "hit" when he was thus the first to formally launch his candidacy. The North Jersey Republicans who had been chafing at Sewell's dictatorship, enthusiastically seconded the nomination. And the compact with Pitney was in danger of being broken.

Thus there were all the signs of a pitched battle between the two elements when the death of Supreme Court Justice George C. Ludlow took Pitney out of the gossip of the public places. That opened a seat on the Supreme Court bench to which he might be appointed; if that were not sufficiently attractive to him, the foreshadowed retirement of Chief Justice David A. Depue, in the fullness of honor and years, might open the door of the Chief Justiceship for him. In the sequel, Charles E. Hendrickson, a Democratic lawyer of Burlington, was named for the Ludlow vacancy. When Chief Justice Depue retired in the Fall, William S. Gummere, who had been serving on the Bench, was given his robe, and Pitney succeeded to the Associate Justiceship which Gummere's promotion had made vacant.

Colonel Price's convention declared in its platform that Pitney's appointment was the price of his retirement from the gubernatorial contest. Both Governor and Judge made warm denials of this charge. The Governor's explanation that he had named Pitney because of his recognized fitness was unanswerable in its plausibility. Whether planned or not for political purposes, the appointment cleared the way for the candidacy of Mr. Murphy, upon whom the eyes of leaders and people had been fixed. Ex-Attorney General Griggs presided over the convention that had the nomination within its gift. For the first time in more than a quarter of a century, Sewell was absent from a triennial gathering of his party. He had just returned from Europe so broken in health that it was necessary to carry him, on a stretcher,

to his coach at the steamer pier. Senator McCarter, of Essex, named Mr. Murphy to the delegates. George L. Record, of Hudson, seconded the nomination. No other name was suggested, and on motion of Prosecutor W. J. Crossley, of Mercer, the rules were suspended and Mr. Murphy was put in nomination by acclamation.

The candidacy thus evolved from the situation on the Republican side was that long anticipated one for which the Democrats had manned their guns. It gave them assurances of Seymour's election that thrilled them, and it might have been so, if the assassination of President McKinley, on the very eve of the campaign, had not come to bring their plans to confusion. Both parties were about to assemble in their State conventions when Czolgolz's shot shocked the civilized world. It was regarded as a bit ominous for Mr. Murphy's campaign that the tragedy occurred on the very day set for a banquet in Newark at which his gubernatorial boom was to be formally launched. The stricken banqueters gathered only long enough to order all the dainties of the feast sent to the local charities, and then dispersed in gloom. But there was a feeling among them that the crime that had shocked the nation might yet have its political compensations. It would kindle anew the flame of loyalty flickering in Republican hearts. The pistol shot that rang through the world, would be as a clarion call to the wandering to come back to the fold. The Trusts and Senatorial purchase scandals that were to be the stock in trade of the opposing party men—what booted they with the Nation's Republican chieftain lying in state by the bullet of an assassin? The Republican managers rang the tragedy into all their campaign plans. "Lead, Kindly Light," the martyred chief's favorite hymn, had been sung at the Republican state convention, before the opening prayer; and its platform intimated that if the Democratic orators had been more temperate in their attacks the tragedy might not have occurred. In the same spirit, the Republican mass meetings in the campaign for Murphy's election were turned into lodges of sorrow—lugubrious, funereal, spooky, with tears and lamentations—a "handkerchief campaign," as some of the worldly irreverently described it.

Colonel Price made a brave effort to take the campaign out

of the McKinley funeral procession by supplementing his anti-trust specialties, with denunciations of the Anti-Spring election law which the Legislature of 1900 had enacted, and of the deal that had, according to the Democratic platform, made the gift to Pitney of Ludlow's vacant seat on the Supreme Court bench the price of a gubernatorial nomination. But the pathetic appeal of McKinley's bier and the turning of thousands of Democratic votes against Seymour by the vindictive Smith contingent proved too heavy a handicap; and Franklin Murphy's nomination was handsomely ratified by the votes of the State at the polls in November. His vote of 183,814 was 27,500 in excess of that cast for Seymour.

In the accession of Franklin Murphy to the Governorship in 1902 as the outcome of this picturesque campaign, New Jersey was to have her first experience with a business man as her Chief of State. For half a century she had had at the helm a line of lawyer governors, broken only by the service of General McClellan, '78 to '81. Mr. Murphy came to the Chief Magistracy with a national reputation as a captain of industry. He had planted extensive trade-posts of his great varnish factory, in Newark, even across the seas; and the State felt, upon his election, that public affairs were to be administered rather upon the newer business lines than upon the conventional technical lines of the barrister.

The discussions of the campaign, which had given the people an insight into his previous record in less conspicuous public places, fortified these expectations. With a business man's instinct for the betterment of his own establishment, he had devoted himself, in the Common Council of Newark, to the betterment of the city he was called to serve. Chiefly through his instrumentality the somnolent gas lamp gave way to the wide-awake electric light, and the city was renovated all over with new pavements that made the old town look as spick and span as a new one. "The City Beautiful" idea which these and similar improvements inspired spread all over the county; and, when Essex became eager to adorn herself as her chief city was doing, it was quite in accordance with the eternal fitness of things that he was chosen as a member of the Com-

mission that laid out for her one of the most admirable park systems in the country.

In the character of his work for his home city and county, there was a foreshadow that, in his higher station, something substantial for the civic and communal betterment of the State was to be had from him. Some of the Governor's activities in the current affairs of the commonwealth are noted in previous pages of this history; others are exploited in the pages beyond. But it remains to be said that, apart from all that, in his three years' administration of the Governorship, he gave his own characteristic touches to the business machinery of the State.

As one result, New Jersey is now earning $60,000 a year in interest upon balances in banks that, before, had had free use of her great deposits. The conservation of the Passaic River for the needs of the communities through which it flows was promoted by his Commission to devise means of purifying its waters. The State departments, before unscrutinized, were obliged to submit their books to the inspection of a State Auditor. An Assistant Attorney General was set to doing for a modest compensation the things a long line of special counsel had been doing before at a vast expense. An efficient system of factory inspection that put an end to child labor in New Jersey was established. A Tenement House Commission was created to see that light and air are let into the homes of the poor. Then, applying the business man's principle of safety checks to the nominating machines of the parties, he provided the people with an open primary system surrounded by all the safeguards of a regular election, and supplemented it with the voting machine as a foil to ballot-box stuffers and other election-booth cheats.

Excursions into public affairs that had brought him to the Governorship had always been a recreation with him. Even as a boy, with the pride of a Revolutionary ancestry in him, he went into the army at the outbreak of the Civil War and participated in the battles of Antietam, Chancellorsville and Gettysburg. Later on in life he was an active worker in the party ranks and eventually came to the Chairmanship of the Republican State Committee. There, the splendid campaign in which he transformed an habitual Democratic majority into

a Republican majority of 50,000 in 1895 attracted national attention. He scored an even more startling triumph the next year, when, under his leadership, the State gave McKinley and Hobart nearly 100,000 majority. His unbroken line of victories afterwards put the Republicans in absolute control of the State and most of its local governments.

A seat in the National Republican Committee was one of the rewards of these achievements; and, when Mr. Hobart stepped out to be Vice-President, he took his place on the National Executive Committee. The wide introduction, among the chief men of the land, which his National Committee connections commanded for him, and the confidence in him that acquaintance inspired, seemed to make him potential as the "Man from the East" who must be taken for a running mate with the "Man from the West" in the Presidential campaign of 1908; and, when the State Convention of that year saw the door opening for him, it enthusiastically instructed its delegates to the National Convention to use all efforts in the interest of his nomination for Vice-President of the United States.

He is a captivating host, and on the platform a most engaging orator. Neither honor nor wealth had spoiled him, and the visitors to the Executive Office saw in him one of the most genial and approachable chiefs the State had ever had.

CHAPTER XV

SEWELL DEAD, DRYDEN BECOMES SENATOR

While the General's Old Lieutenants Squabble Over His Toga, Colonel Kuser Captures It for the Prudential's Chief—Ex-Attorney General Griggs His Foremost Rival—A South Jersey Combination That Failed.

Meanwhile United States Senator Sewell's health was failing rapidly; and the death, on the day after the Christmas of 1901, of this most autocratic political chieftain the State has ever known, brought unexpected complications at the very opening of Governor Murphy's term. George B. Swain, the State Treasurer, had also gone the way of all flesh at about the same time; and that tended to make the confusion worse confounded. The prerogative of filling both the vacancies belonged to the Joint meeting of the Legislature that assembled in January, 1902. With a Senate of 17 Republicans to 4 Democrats, and 46 of the 60 seats in the Assembly held by Republicans, both the offices were assured to the Republicans. It was the privilege of the Governor to name the incumbent for each pending the assembling of the Joint meeting. The demand for an immediate successor to Senator Sewell was not urgent; but it was necessary that the State have a Treasurer, for the orderly purposes of its business, and Governor Voorhees, whose term extended a fortnight into the new year, began to look around for some suitable one to go to the late Mr. Swain's desk.

In the discharge of this function he found himself confronted with considerations affecting the bearing of his selection upon the struggle for the Senatorial toga; and the unusual spectacle was presented of every locality pushing away the State Treasurership because its bestowal on any of them might militate against the chances of one or the other of the Senatorial aspirants. Only a month could elapse between the day of Sewell's demise and that when, under the Fed-

eral laws, the balloting for a United States Senator must begin; and as soon as the dead General had been laid in his grave, there had been a rush of aspirants who knew they had no time to lose—the sectional problem came into the struggle, as it always does in controversies over State offices, and the geographical line between the North and South Jersey Republicans cut the chief figure in the discussions over the candidates.

David Baird, who had been the rough and ready lieutenant of Sewell in Camden, set up the claim that as Sewell was a Camden resident it was only logical to name a Camden man—who was Baird, of course—to fill out his unexpired term. As the Legislature had picked Camden for a six years' distinction in the United States Senate, it was only fair to let Camden hold it for all of the six years. Baird was not of the stuff United States Senators in New Jersey had been made of, and no one excepting Mr. Baird took Mr. Baird any too seriously. Far more formidable aspirants from that section of the State were John J. Gardner, the Congressman from the Sewell district, and ex-Senator Edward C. Stokes, of Cumberland, now, by grace of Governor Voorhees, Clerk of the Court of Chancery. While Mr. Gardner had not made any effort to display his forensic powers in Washington, his caustic tongue had put him in first place among the orators of the State during his previous service in the State Senate. In Congress as Chairman of the House Committee on Labor, he had come to be recognized as one of the forceful factors in national affairs. His sobriquet of "Old Brains," while not a thoroughly respectful one, was yet an otherwise complimentary tribute to his mental greatness, and it was well argued that his years of skillful and valuable labor in Congress entitled him to a promotion to the Senate.

The smooth-tongued Stokes had long regarded a seat in the United States Senate as the complement of his rare oratorical gifts—and he was otherwise, as Senator Johnson of Bergen described him, "a young man of very attractive personality." His maiden effort, when, as a youthful representative of Cumberland in the Assembly, he rose to espouse the passage of a pending local option bill, had lifted him to the front rank of public speakers, and his rise to a com-

manding position among the men of State was rapid. Till General Sewell's death seemed to open the doors of the United States Senate, he had been in training for the Governorship. He and Gardner, having been Sewell's closest allies, regarded themselves as Sewell's logical Senatorial successors; and the wide impression that they were both in full sympathy with the railroad influences that had made Sewell a master, gave an air of promise to their candidacies.

Coming a little north of the localities where the two were potential, one found Barker Gummere, the Boss of all things Republican in Mercer, wishing for Sewell's shoes. The honors already heaped on his family were thrown into the scales against him. "With one Gummere sitting as Chief Justice of the Supreme Court, another operating as United States Consul in Tangiers, and Barker himself filling the lucrative office of County Clerk in Mercer, it would seem," one of the State leaders remarked, "as if the Gummere family were already adequately provided for; and we shall be open to no charge of ingratitude if we refuse to listen to Barker's plea for a seat in the Senate." Still, no Republican achievement was possible in Mercer without Gummere's aid and consent; and he had to be taken into the Senatorial reckoning.

This trio of South Jersey notables was offset in the northern counties by a more notable array of upper State aspirants. The commanding figure of ex-United States Attorney-General John W. Griggs strode into the arena as the first champion of the claims of that part of the State to Senatorial recognition. The ex-Attorney-General had won a nation-wide reputation for statesmanship; and he was acclaimed at once as the man of all mentioned who was most fitted for Senatorial duties. "The country at large," to quote ex-Senator Johnson again, "will watch the candidacy of Mr. Griggs with deep concern. It lends a dignity and interest to the contest that lifts it away out of the ordinary." And, indeed, he was so pointed out by his public service and fame, for the honor, that he overshadowed all the others in the contest.

There was talk of Mr. Johnson, too, in the current gossip of the hour; but he was still holding, under Roosevelt, the First Assistant Postmaster Generalship to which McKinley

had appointed him, and his announcement that he had no Senatorial ambitions left the North Jersey field clear to the ex-Attorney-General. The cold and proud jurist and statesman is not a magnetizing personality, however, and rumors that he was not being warmly supported by his own Passaic County Assemblymen led the seasoned politicians to suspect that he was not to prove, after all, the overaweing gladiator those who knew him only for his splendid abilities expected him to be. Wood McKee, the Passaic State Senator, who was his devoted adherent, had tried to silence the rumor by inviting his legislative colleagues in the county to a caucus. But when the hour came Assemblyman Davidson was the only one on hand to participate in it, and even he, when he was pressed to state his attitude, was far from satisfactory in his responses. The incident led the North Jersey element to suspect that if they were to make a successful battle against the South Jersey-Pennsylvania Railroad trio, it must be waged in behalf of some other candidate who had the earnest support of at least his own county.

Just at this juncture came whispers that Essex might offer the sought candidate. The name of John F. Dryden, President of the Prudential Insurance Company of Newark, crept noiselessly into the discussions of the hour. Mr. Dryden had founded one of the most commanding insurance institutions in the world. The largeness of the Senatorial function was in keeping politically with the magnitude of the business his genius had created; it attracted him—aroused his ambitions. He had been for years an active influence in Republican affairs; was the associate and adviser of all engaged in them, and always an open-handed contributor to the funds that had made their achievement possible. Except that he had served as Presidential Elector—in 1896 and 1900—he had modestly abstained from striving to take to himself the honors he had helped his party to win. And when Col. Anthony R. Kuser, his son-in-law, dropped an intimation here and an intimation there that Mr. Dryden would make an admirable Senator, he injected a new name and a new personality into the everyday politics of the State. But the people knew the name. It was a shining one in business and in finance. There was a general concurrence of view that if

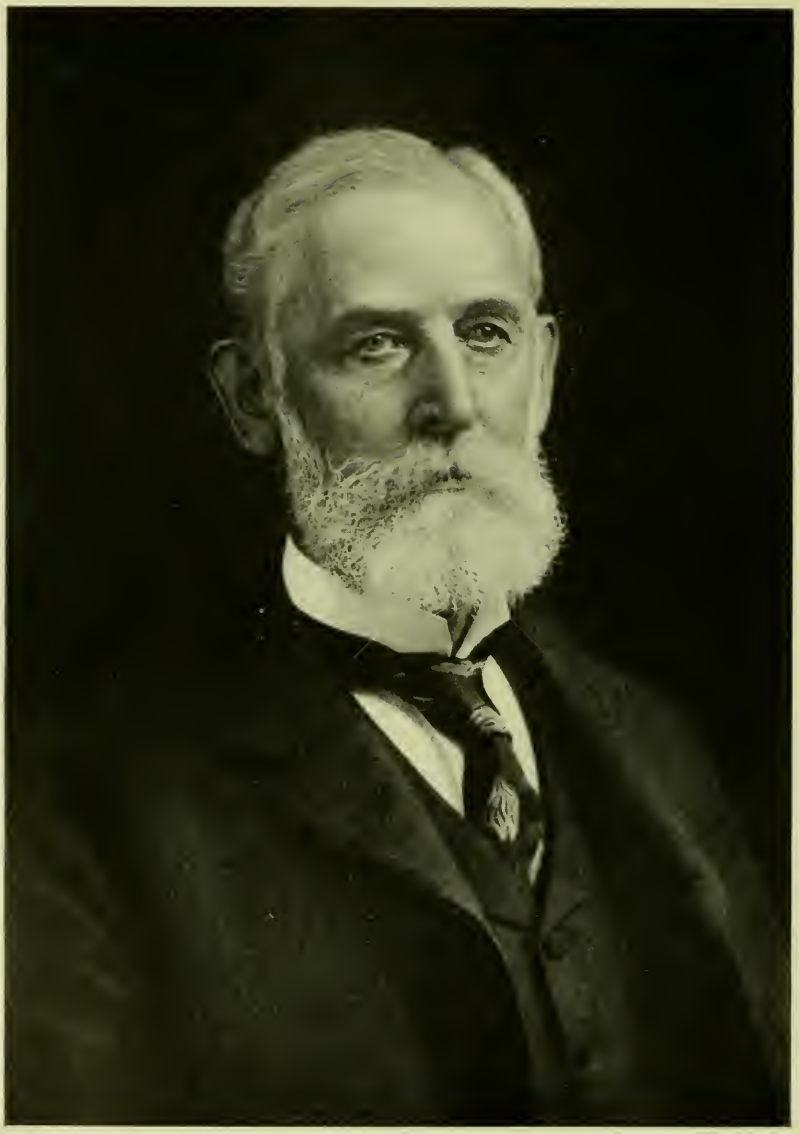
Dryden were after that position, it was none too large for a man of his achievements to fill. And so Colonel Kuser found his missionary work in Mr. Dryden's behalf made the easier by Mr. Dryden's world-wide business distinction. The Colonel himself was not a novice in politics. He had been in politics from his early manhood. He was a royal entertainer, and had built his friendships in a most unpartisan spirit, all over the State. He had frequently banqueted and feasted them all. And withal he had so studiously avoided efforts to turn their friendships to his own account that now, when he urged them to consider Mr. Dryden for General Sewell's chair in Washington, they heard his plea with friendly ears. Little excursions here and there in the State convinced him that Mr. Dryden, new only in politics, might prove an acceptable aspirant; and in course of time Senator Thomas N. McCarter gave a new twist to the Senatorial speculations of the day by formally announcing the Prudential President's candidacy. Mr. McCarter's brother, Uzal, was President of the Fidelity Trust Company of Newark, the banking ally of the Prudential. Thomas N. was himself the Fidelity's Counsel, and the intimacy between the families was very close.

Mr. Dryden was recognized as "a very wealthy gentleman," to reproduce the phrase with which Ex-Senator Johnson's review of the candidacies described him. He was accounted a multi-millionaire. Within the last few months his name has been bulletined as that of one of the forty men who control more than half the banking wealth of the United States. His business ramifications were wide and deep; they enabled him to bring to his aid the substantial influences that had always counted for much in the larger affairs of state. He moved in as large a business and financial atmosphere as that in which the Pennsylvania Railroad Company operated; if the company contemplated a battle for either of its ambitious South Jersey aspirants, he was equipped to challenge them to the combat, with the company's own weapons.

It was at once assumed—and it soon became quite evident—that he had not stepped into the open for the mere advertisement of the thing. But there arose the inevitable hue and cry against the selection of so conspicuous a corporation chieftain at a time when the people were making war on the

corporations. His opponents challenged the legislative delegation from Essex to defy the prevailing sentiment by supporting him in the joint meeting. Four of the eleven, alarmed by the clamor, declared themselves for Elisha B. Gaddis, a rich wholesale grocer who was popularly regarded as the Sewell agent in Essex. Mr. Dryden's friends were not perturbed by these unfriendly manifestations. "When the bell rings," said Uzal McCarter, "every man of the twelve will be in line for Mr. Dryden." One morning Mr. Dryden walked from the towering Prudential cluster down Broad Street to Gaddis's store, and half an hour after he had come away, Mr. Gaddis made it known that his friends would oblige him by giving their support to the Prudential chieftain. Governor Murphy, whose father had helped Mr. Dryden in his early struggle to establish the Prudential, swung the still hesitating into line by declaring for him as one "broadened by the management of large affairs, and the type of man by nature and training that, in these days, the country needs in the United States Senate." And soon afterwards, Edgar Williams, one of the Essex Assemblymen, "rang the bell," and, as Uzal McCarter had predicted, all of his home delegation pledged their votes to him.

The contest between these giants of the State for the mastery was marked by all kinds of diversions. Senator Kean, who, since the death of his Camden colleague, had risen into new prominence as a dominant factor, was quoted as determined to defeat Dryden, because his triumph in the coming joint meeting might handicap the North Jersey effort to reelect Kean, from the bordering city of Elizabeth, to the United States Senate in 1905. Stokes was accused of having thrust himself into the Senatorial controversy only to gather prestige for his gubernatorial candidacy. Inability as Attorney General to find anything in the Sherman Law to curb the trusts was hurled at Griggs. Gardner was pictured as a stalking horse for a fellow aspirant whom the Pennsylvania Railroad Company was secretly favoring. Governor Voorhees was said to have named Frank O. Briggs, an Ex-Mayor of Trenton, to the ad-interim State Treasureship for the discouragement of the South Jersey candidacies, and State Comptroller Hancock, a fellow townsman of Briggs's, but



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allied with an opposing faction, resigned in a tiff when Briggs's appointment was announced. No incident of the canvass escaped the tongue of the critic; and charge and countercharge filled the political air of the State till the day for the holding of the Republican joint caucus arrived.

The settlement of the strife in the conference of the sixty-three Republicans in the two Houses of the Legislature was deferred till the eve of the joint meeting that was to elect the man upon whom they were to agree. And a departure from the rule of all previous caucuses opened the gallery of the Assembly Chamber, in which the caucus was held, to the newspaper correspondents. Senator McCarter, the Republican leader on the Senate floor, presided. Stokes and Gummere, Gardner and Griggs, and Dryden and Baird were all put in nomination. Seventeen ballots, that revealed no change in the strength of the six contestants, foreshadowed a deadlock. The South Jersey aspirants gathered in separate conference and decided to pool their votes, and cast them solidly for first one of the four, and then another, then for the third and next for the fourth, in the hope of keeping the Senatorship in that end of the State. The roll calls had shown some votes for Stokes outside the South Jersey line; they agreed to try the fates with Stokes on the next ballot.

The situation was tense when the eighteenth roll call was begun. Every man on the Assembly floor tallied each announcement as it was made. It revealed a tie between Dryden and Stokes. Each had twenty-four. The remaining fifteen were cast for Griggs. The clerk announced the votes as follows:

For Dryden—McCarter, Strong, Bacheller, Boyd, Brown, Brown, Cummings, Garabrants, Gnichtel, Hall, Hoffman, Howe, Jackson, Laire, Lord, Miller, Montgomery, Newcorn, Page, Schmidt, Sharwell, Tillotson, Whitford, Williams—24.

For Stokes—Haines, Hand, Hutchinson, Johnson, Lee, Miller, Minch, Reed, Shinn, Stanger, Avis, Bradley, Cresse, Elvins, Gill, Gulick, Horner, Leavitt, Miller, Moore, Tyler, Waite, Whitehead, Wright—24.

For Griggs—Cross, Francis, McKee, Wakelee, Welsh, Bogert, Champion, Davidson, Hoagland, Holman, Howland, Keasler, Mercer, Stalter, Van Blarcom—15.

On the nineteenth ballot all of Griggs's support, with the exception of Cross, Wakelee and Holman, fell away from him and most of them went to Dryden. Excitement was at its highest pitch when the tally showed the Prudential's chieftain short but a single vote. The Secretary was about to announce "no election," when Senator Cross changed from Griggs to Dryden. Senator McCarter declared him the nominee of the party. Three days later, the Houses, voting separately, elected him. They met the following day to compare Journals and discovered, from the reading, that they had agreed on the one man. The Democratic minority cast twenty votes for Congressman Allan L. McDermott. Senator Francis, who presided over the joint meeting, declared Mr. Dryden's election.

The State's new Senator was a native of Maine, born at Farmington in August, 1839. He had entered Yale University in 1861, but ill health compelled him to leave before graduation, though subsequently the degree of M.A. was conferred upon him. After leaving college he had given himself up to the study of life insurance in all its branches, but with special reference to the needs of wage-earners and their families, at that time ill provided for with the life insurance protection that has since become a household necessity throughout the United States. He was about thirty-four years of age when he came to Newark, in 1873, to establish the Prudential Friendly Society, a title changed subsequently to the Prudential Insurance Company of America. While influenced to a considerable extent in the development of his own plans by past insurance experience, he created the Prudential entirely after his own ideas, with a chief regard, however, to the methods of the great Prudential of England, which in its twenty years of existence had achieved a remarkable success. First its Secretary, he became its President in 1881, and held that position at the time of his death. In 1876 he sailed for Europe to study, in more detail, the methods of the English company, and after his return introduced important changes in business management to the lasting benefit of industrial insurance in America. He lived to see his plans mature into the giant institution that holds a foremost place among the life insurance companies

of the world. By 1884, the Prudential had attained to an annual income of over a million dollars, and a year later the first million dollars of accumulated assets was secured—for that time a very considerable sum indeed. Five years later the number of outstanding industrial policies had passed the million mark; and by 1893 the annual new industrial policy issue exceeded one million for the first time in the Company's history. In 1904 the total amount of outstanding insurance exceeded one billion dollars, and at the time of Senator Dryden's death the amount had passed two billions of dollars. It would be difficult to condense in fewer words a more gigantic personal and business history than that of Mr. Dryden and the Prudential.

The secret of his marvelous success was his clear grasp of fundamental principles, combined with indefatigable industry and a remarkable capacity for details. In his private and business life he exemplified the finest type of American manhood in the consecration of himself to his work and the attainment of his ideals. He believed, with all the faith that was in him, in the righteousness and practical utility of his plans to provide for the American working people a better and more secure form of thrift than prevailed when the Prudential was organized in 1875. Insurance history has abundantly justified the wisdom and unselfishness of his business policy, and all the essential principles developed by him, through the thirty-six years of his administration of the Prudential, continue to be carried forward by that organization to the present day.

CHAPTER XVI

MURPHY'S TERM IN REVIEW

Governor Strikes Troublous Times, but Helps the People With Tenement Law, and the Workingmen With New Labor Supervision System.

Colonel Roosevelt, succeeding the slain McKinley, had already begun to bundle the kindling under the pot of national politics that boiled so furiously in the end, when Governor Murphy stepped into the State House to be its master. The same poll that put him at the head of the State sowed the seeds of sympathetic local party discords that scattered all over the Commonwealth before his administration closed. Dickinson's theory that the November enthusiasm for the Republican State ticket would carry the local tickets along with it had just been realized in the election, in the same poll with the Governor, of Mark Fagan to become a party firebrand as Mayor of Jersey City. Fagan was the first product of the change of the charter election date from the spring to the fall. The party invited other veiled disasters for itself when it rewarded Dickinson's pioneer work for Murphy with the proud office of Secretary of State. Dickinson's merciless rule in Hudson had estranged an element in the party that looked for better methods. Its unrest, suppressed because of the apparent uselessness of outbreak, found courage to exhibit itself when Fagan, first conceding to Dickinson in the hope of harmony, finally defied or ignored him as a wholly insufferable boss.

Essex Republicans who had been on the edge of a like revolt against the uproarious imperiousness of Boss Lentz, next resented Lentz's audacity in forcing himself upon them as a candidate for Sheriff by electing in his stead the first Democrat they had commissioned in many years to hold the richest office in the county. Over in Middlesex Boss "Dory" Strong had pushed himself to a seat in the Senate, to aid legislation that would tighten his grip on the helm of affairs there, against the

protests of the better element of his party. The bosses, who had always been acutely dictatorial, were growing omnivorous. The denunciations of their rule which Fagan aimed at Dickinson found immediate echoes in the two other counties and spread to still other localities that were writhing under the heels of their masters, till, by the end of the Governor's administration, the whole State rang with the cry. The atmosphere became so resonant with it that even the Democrats caught the tune, and were shouting for the unhorsing of ex-Senator Smith, with his part in the defeat of Seymour for their latest refrain.

The disposition to waywardness some of the party followers were beginning to exhibit prompted the leaders to seek means of holding them in check. It was deemed good politics if they could not hold them in line, at least to prevent them from making demonstrations that might attract new crowds to their side. So, as the story of the legislative and party work done during Governor Murphy's administration unfolds itself, it will be seen that the local bosses were obliged to give themselves up largely to the perfecting of schemes for the suppression or the repression of the independent forces in the party. As a believer in organization, the Governor may not have been entirely out of sympathy with their efforts to preserve their organizations. But he managed to turn some of their selfish legislation to popular account. One of the decorations of his administration was the passage of the law that, for the first time, brought the party primaries under State supervision and regulation, and that, breaking through the obsession that the primaries are like family gatherings, upon which the State has no right to intrude, laid the foundations for all the primary reform movements of later years.

Amid all the stormy political diversions of his rule, he found opportunity, too, to promote the substantial welfare of the State and the people. One idea he had in mind when he went to Trenton was that the department chiefs ought to give more attention than they had been doing to the duties of their offices, and, that he might be an exemplar among them, he sought authority for the establishment of an Executive Mansion in the capital city. With the head of the State making his home in a State residence near the State House, the departmental chiefs might be shamed out of their apparent notions

that the State was paying them big salaries only to have them serve as State House ornaments. Since the days when Kelsey was Secretary of State, and Little, Clerk in Chancery, and Lee, Clerk of the Supreme Court, in fact as well as in name, the chiefs of the State House had gone to their offices in Trenton only—well, they were always there on pay days, at any rate. The work of their departments—even the supervision of them—was left entirely in the hands of their deputies and assistants and clerks.

The Governor, too, of later days had fallen into the prevailing habit of absenteeism. It had become his custom to visit the capital only at irregular—and to make it worse, at uncertain—intervals. And when he did honor Trenton with his presence, for a half day's visit, he floated around the hotels in his recreation hours, ate his dinner at a restaurant, and hastened out of town by an early afternoon train. One going to Trenton for the transaction of business with him never knew whether he was to find the Governor at his desk or not; and, for the convenience of the public in that regard, Governor Abbett had named Tuesday as the day of the week when he could always be found there. The department heads felt forced to follow the precedent he set for them. They could not decently be away from their desks for the one day in the week when he was at his. "Governor's Day," as Tuesday has since been known, was marked by "Cabinet meetings," at which the department heads laid before the Governor the things they had done—or rather had not done—during the week past for the public weal, and the programmes for the week ahead were laid out. And then they all flitted out of town into seclusion again till the next week's gathering was due.

The idea of having the State's chieftain floating around without any anchorage and setting an example of official vagrancy for his subordinates to imitate in the practical abandonment of their posts, did not comport with Governor Murphy's conception of the eternal fitness of things, and it was that which prompted him to set on foot the movement for the erection by the State of a becoming home for the Governor. The State had not had such an establishment since the days when the old "Governor's House" on State Street had been turned into a hotel. His bill for its reëstablishment appealed to the popular

fancy. A plot adjoining the State House grounds was selected for its site. But the venerable Mrs. Green, whose homestead from her infancy had stood on the grounds, could not reconcile herself to its sale. She made so pathetic an appeal to the State officials when they talked of taking it from her in condemnation proceedings, that they had not the heart to carry the enterprise through, and it failed. The Governor, however, hired a handsome residence in the city, and contributed to the gaiety of the State with the round of social functions he arranged there. The habit of absenteeism he had hoped to mend proved to be more obstinate and obdurate than he had suspected, and even its subjection to the "pitiless publicity" that Governor Wilson regarded as the cure-all for public delinquencies has not sufficed to correct it.

The Governor produced better results when he entered upon the task of improving the labor conditions in parts of the State where they were particularly oppressive and unsatisfactory. The topic was one of large moment. The Governor gave himself up to its treatment with the energy that became its importance, and to him may be given the credit of establishing the State's labor supervision system upon lasting lines. The subject was pressed upon his attention by the inactivity of the State's chief Factory Inspector, the elephantine ex-Senator Ward, of Salem, in enforcing the child labor laws in the Gloucester County glass factories. The labor conditions in the south part of the State had been a topic of legislative anxiety for very many years, but the industrial chieftains had exerted sufficient influence with the pocket-borough Senators from the counties in that end of the State to foil all efforts for their improvement. Years ago it was proved, in a legislative investigation, that the employees of the industrial plants there were forced to make all their purchases at the company stores; that the prices their employing companies forced them to pay were away beyond those charged in the localities round about, and that if there was a surplus of earned money beyond the store account due them, the workers were required to take "store orders" for it. The "store orders" were for goods to be subsequently charged against them. Whole families had told a Senate committee that all their labor had not brought a single dollar in cash into their homes from year's beginning to year's

end. All kinds of bills—some penalizing the issuance of store orders, others forbidding the establishment by employers of supply stores for the exploiting of their employees, and still others calling for the payment of wages in cash and semi-monthly—were aimed at these abuses, but not one had ever reached a Governor's hands.

Those, however, were labor agitations of the dead past. The new condition that stirred indignation because of Ward's indifference was the employment of mites of children in the glass-blowing factories. A stubborn strike against the intolerable state to which they had been reduced prompted the retaliatory workmen to carry the harrowing story of child slavery amid death-dealing fumes to which the children were driven from needy homes, to the officials in Trenton. Factory Inspector Ward turned a deaf ear to them. But they found a sympathetic friend in the Governor, who ordered Ward to take steps to end it. Ward saucily retorted that it was "none of the Governor's business" officially, and the Governor found on inquiring that there was indeed no law that authorized him to discipline him.

The Governor concluded that a State department so entirely irresponsible needed reconstruction. The first step, however, was to get rid of Ward as soon as possible, and Assemblyman Lord, of Essex, put through the Legislature an act conferring on the Governor the power of removal he had mistakenly supposed he had. The dismissal of the overbearing inspector from his position followed. An entire reorganization of the factory supervision system was a later sequel of the upheaval. Senator Bacheller fathered the bill that accomplished it. Col. Lewis T. Bryant, of Atlantic City, was named as the chief of the new department, and he was given fifteen assistants. He was not slow to turn his inspectors loose upon the glass-blowing regions, and there has since been a decent observance all over the State of the child labor laws, as indeed of the other laws for the protection of the workers. Colonel Bryant so commended himself by his work that, Republican though he is, Governor Wilson, Democrat as he is, defied the protests of his party followers in 1913 to reappoint him entirely on his merits. The State labor chief has twenty-two on his staff now, among them two female inspectors.

In another humanitarian effort to improve conditions among the lowly, Governor Murphy established the State Commission charged with the supervision of the tenement houses. Mr. Colby, who introduced the act creating the commission, drew an appalling picture, for the Legislature, of the perils to life and health that lurked in 15,000 of these humble homes that sheltered more than 60,000 families—representing a sixth of the State's population—and where more than eighty per cent of the deaths from tuberculosis were occurring. The bill outlined an efficient system of supervision as to heating, lighting, ventilating, and safety appliances that, with alert and competent administrative officials, would have renovated the entire tenement house equipment of the State. But the landlords, with amendatory acts, offered from time to time since, have been allowed to punch holes in the original act that have seriously impaired its effectiveness. The avenues of escape they have opened for themselves have made the board's powers the subject of derision among the owners of the 71,000 tenements upon which the board is supposed to keep its eye. The fines imposed upon them for violations are so fantastically disproportionate that they gladly pay them and get richer on the violations. Still the machinery which Governor Murphy laid for a supervision that would supervise is there yet, to be strengthened and fortified again into a valuable aid in making conditions in the tenements as tolerable and life-saving as he set out to make them.

The introduction of the voting machine into the politics of the State; a sensational change in the relations of the local school boards to the surrounding municipal system of which they had seemed to be part; a movement for the purification of the water of the Passaic River; an equal-tax anti-monopoly eruption that brought Mayor Fagan into public view as an anti-machine combatant, and the almost successful culmination of the Lehigh Valley Railroad Company's effort of years to press its Morris Canal abandonment scheme through the Legislature were other features of Governor Murphy's administration; but they loomed so large in the history of the State as to necessitate their separate treatment in the pages beyond.

Every administration seems to be doomed to suffer adventitious visitations all would like to escape, and Governor Mur-

phy's was no exception to the rule. The Democrats, naturally enough, made the most for themselves of the forced resignation of George P. Powell, a Newark politician who became Sergeant-at-Arms of the House of Assembly of 1903, and of the desultory talk about the circumstances attending the escape from the State Prison of a young man named Roller, who had been caught in the meshes of a "high finance" scheme of his own contrivance. But the Democratic jubilation in both instances was of short duration. Powell had been accused of having, when the vestments disappeared from the rectory of Grace P. E. Church in Newark, approached the Rev. C. C. Edwards with an offer to recover them on the payment of $250. But the Assembly promptly disciplined him by dismissing him when the story leaked out. Mrs. Osborne, the wife of Head Keeper Osborne, was inadvertently drawn into the talk about Roller's escape from the State Prison. The affair was a newspaper topic for a few days, but was dismissed from the public mind when it became plain that the keeper's wife had figured guilelessly and probably unconsciously in it. Governor Murphy had been a private in the Civil War; Osborne, too, was a veteran of the war, and the public interest in Roller's release came only of the fact that Osborne's appointment to the State Prison position was in the nature of a personal one by the Governor. By the excellence of his administration of State Prison affairs Mr. Osborne justified his selection.

CHAPTER XVII

SAVING A GREAT RIVER TO THE STATE

The Passaic Had Become So Foul That Even Its Breath Was Feared—Governor Murphy Helps the Valley Communities to Instal a $10,000,000 Intercepting Flume.

With one of its own citizens, made familiar with its needs by long years of devotion to labors for its development, at the head of the State, Newark pressed with revived energy for relief from the foul odors the Passaic River was pouring over land which the city had been seeking for many years. The river is the natural drinking basin of all the communities in North Jersey. It drains a watershed so abundant that New York City has been suspected of coveting it for the refreshment of her thirsting millions. What indeed had the aspect of an attempt to tap it for the use of the teeming population of the trans-Hudson metropolis was frustrated in later years only at the end of a tremendous agitation. The scheme was promoted by a series of bills Mr. Hobart had put through the Legislature when he was a member of the State Senate. Those bills contemplated the storage of the cataract overflow at Little Falls in quantities that only a great city like New York could consume, and in the later controversies over its diversion to places beyond the State line it was freely said that the supply of New York was the ultimate aim of the Hobart acts.

Before the syndicate that Mr. Hobart had in readiness to take advantage of the legislation as soon as it could be perfected came upon the scene, Jersey City and Newark had been drinking of the water of the stream. The refuse of a long line of water-power mills and factories that had perched on the river's banks had been pouring into it from the days away back, when Alexander Hamilton formed the Society for the Promotion of Useful Manufactures, in Paterson. The water, thus poisoned in its flow, was further fouled by the discharge

into it of the home sewage of Paterson, and even Newark did not scruple to empty her own waste into it almost at the mouth of her own pumping in-take. Jersey City and Newark turned up their noses at the streaky and murky stuff that poured from the faucets into their drinking glasses; but assurances that the water cleansed itself in four miles of its flow led them to hope that it might not, after all, be so horrible as it looked, and they gulped it down with that blind ask-no-questions kind of faith with which one swallows his boarding-house hash.

If the comforting theory of the water experts was ever good for anything else than to keep the stomachs of the people from being nauseated by the water, it lost its flavor when the impounding syndicate began its operations. It dammed the valleys in the great watersheds and turned the surrounding hills into walls of vast natural storage reservoirs as big as lakes. The reduction in the flow and force of the current that resulted from the diversion impaired the self-cleansing properties of the stream, and the water became so dirty that the people, merry even over their misfortunes, called the stuff that came into their glasses food as well as drink. In time it became so utterly nasty that the cities were menaced with typhoid. The private water companies began to do a thriving trade in bottled beverages from cleaner sources. The revolt against its continued use became universal. Population began to fall away, rents went down, the real estate agents found sales impossible, and the authorities were finally forced to look around for other sources of supply.

Newark was the first to abandon the old reservoirs. Senator Smith, then a member of the Board of Works of that city, gave himself up to efforts to secure something better, and soon had his fellow-townsmen furnished with a supply from the river at a point above the falls, where the contaminations were not serious. The new water belonged to the impounding syndicate, and it cost Newark a trifle more than $6,000,000 to get it. Jersey City was not in financial condition to bear so heavy a draft, and she purchased water from the syndicate by the gallon for years, while she groped her way through a maze of official scandal and grafting to the purchase, from the same body of water peddlers, of a new plant at an outlay of about $8,000,000. Her supply was from the inferior Hopatcong

end of the watershed, and the waters that reached her reservoirs, over the bed of the Rockaway River, carried the waste of a dozen small country towns.

Public, and consequently official, interest in the condition of its waters having diminished, because it was no longer being used for potable purposes, the Passaic River was used even more recklessly than ever as a sewer and waste drain. It became nastier and more nasty, and the odors that rose from it, to be wafted over the land by the breezes, threatened the bordering localities again with fever epidemics. Paterson was still the chief offender in its misuse, and Newark, which was nearest its mouth, was the chief sufferer from it. There the fresh water that coursed over its bed from the mountain springs ran against the wall of salt water that came up from the sea, and all the foul things poured into it from above were stalled at Newark's front and made a noisome pool there.

Newark insisted that Paterson should cease pouring her refuse out into the stream. To have found other means of disposing of her sewage would have involved an entire reconstruction of the city's sewer appliances, and the expenditure of many millions—and Paterson resisted. The feeling between the two cities became rancorous as the controversy went on, and there were threats of suits and counter-suits to compel, on the one side, and on the other side to resist, adoption of purification plans.

In 1896 the river had achieved such intolerable foulness that Governor Griggs brought the matter to the attention of the Legislature, and an act was passed authorizing $10,000 expenditure. Governor Griggs named William T. Hunt, then, as now, editor of the Newark *Sunday Call;* Dr. E. J. Marsh, of Paterson, medical director of the Mutual Life, of New York, and Dr. H. C. H. Herold, of Newark, as commissioners. They hired Alphonse Fteley, of New York, and Charles A. E. Jacobsen, of Newark, as engineers, and in 1897 recommended a brick sewer to discharge into Newark Bay. There was a great row from Bayonne, which is on the Newark Bay front, and the question was postponed. For fifteen years they kept postponing. There were four different commissions, Mr. Hunt serving on all of them, till, tired of the friction, he resigned, and eventually the original plan, with a scheme for

extension of the discharge to New York Bay, was adopted. The plans for a flume that would empty into New York Bay were perfected by Edlow W. Harrison, of Jersey City, who had been the adviser of many administrations, and was regarded as a foremost public works engineer. The flume which all the commissioners had favored was an intercepting sewer that would catch all the waste the communities and the factories were dumping into the stream and carry it away off into New York Bay, between Robbins Reef lighthouse and "the Narrows." The water is deep there, and the cleansing power of the sea tide momentary. That would leave the water from the upper stream to flow pure and undefiled outside the flume. The cost of its construction, estimated at $10,000,000, staggered the river valley localities, which were, according to the plans of the commission, to pay it all. And the haggle between them had gone on till Governor Murphy took the matter into hand vigorously. In his annual message to the Legislature of 1903 he warmly urged the necessity of decisive action, and gave new commendation to the intercepting sewer plan.

Newark was ready to contribute her share of the $10,000,000. But Paterson, never anxious to bear the burden, had just suffered two terrible visitations that had all but destroyed her. In the spring of 1902 a cloudburst had swept away millions of her ratables; a great fire, a few months later, consumed a large part of the little the river overflow had spared. Senator Wood McKee pleaded for sympathy. When the bill providing for the building of the flume was pending, ex-Attorney-General Griggs rushed to Trenton to raise his voice against a levy that would leave the city destitute. In the Assembly Stalter and Von Blarcom joined in the cry for mercy. But Newark was exacting. She even called Richard V. Lindabury, the chief counsel of the Steel Trust, to argue for the passage of the flume law. Chandler W. Riker and Joseph Coult were associated with the distinguished Trust lawyer. To the surprise of all, John Hinchliffe, the plucky Mayor who had seen Paterson through both of her awful visitations, came to say that Paterson had scorned all proffers of help when she was overwhelmed, and asked for no pity now, and to talk for the flume.

In the midst of the contentions over the act, a difference be-

tween Secretary of State Dickinson and Assemblyman Everett Colby came to endanger its passage. The Secretary of State's scheme for the change of the date for the election in Jersey City from the spring to the fall had seated Mark Fagan in the Mayoralty, and the Colonel was assuming a sort of proprietary control of the Fagan administration. He was on good terms with the Mayor at the time. The Mayor had not yet ordered him out of his office, and Dickinson hoped to see him stay in office. Fagan's term was to expire with 1903; the Colonel had concluded to let him have a renomination, and he planned to put the saloon interests in line for his reëlection. The more than 1000 liquor sellers in Jersey City exert considerable political influence and count for a good deal at election time. Just now they were at the mercy of Democratic Excise Boards; Democratic Excise Commissioners could be counted upon to hold them in line for the Democratic Mayoralty candidate against Fagan. Dickinson wanted them at the beck of a board named by Fagan; that would probably force them to Fagan's support. The Colonel went to Trenton with a "little bill" in that interest. No one from his home county of Hudson would offer it; the ten Assemblymen from Hudson were Democrats, and willing, of course, to have the saloon element of Jersey City under the control of the Democratic Board. The Secretary of State was forced to go outside for a sponsor for his bill. Colby, of Essex, consented to send it to the Assembly Clerk's desk for action. Then Dickinson endeavored to put it through the caucus as a party measure. Fagan had already begun his warfare on the railroads and the trolley companies. Those interests, always potential with a Republican caucus, persuaded the caucus to decline to make a party measure of a bill for his benefit.

The party leaders were far more interested at the time in promoting the passage of bills creating a new primary system and providing for the use of voting machines. Boyd, the Republican floor leader, called a second caucus of Assembly members to prepare for their passage. Through Leavitt, of Mercer, Dickinson managed to spring his Fagan excise bill as another that should be adopted by the caucus. Colby set his colleagues agape with astonishment when he rose to advise against its consideration—to talk against his own bill. His explana-

tion was that Essex was vitally interested in the passage of the flume measure, and that the Hudson members, whose votes were needed for its passage, had agreed to aid in its enactment only on the understanding that he would withdraw the excise measure he had offered for the Colonel. Rather than sacrifice these needed votes, he had decided to withdraw Dickinson's bill. That spoiled the Colonel's scheme for the election-day control of the rum power in Jersey City. Colby's action so angered him that he could never afterwards find an adjective lurid enough to adequately describe his contempt for the Essex statesman and his dislike of him. Colby builded well, however, in the interest of the river purification act. The Hudson Democrats kept their faith with him, and it passed the Assembly by a vote of 48 to 7.

Senator McKee, of Passaic, held it in the Senate, however, till he had forced a compromise that meant delay. The two houses, differing about the bill, agreed, in conference, to refer the whole matter to the State Sewerage Commission, of which Col. Charles W. Fuller, of Bayonne, was the chairman. It lay in that commission, inert, for two or three years. The Legislature of 1906 gave the movement a new impetus by the passage of an act, drawn by Counselors Coult and Riker, for the allotment of the cost of constructing the flume among the cities and towns in the Passaic valley that consented to assist.

Then it lagged again till the Legislature of 1911, returning to the attack, established the Passaic Valley Commission, and endowed it with power to proceed with the construction of the sewer. The commission was made to consist of ex-Judge Francis Child, of Newark; Peter Hauck, a rich brewer of Harrison; William S. Ackerman, of Paterson; William McKenzie, of Carlton Hill, and John F. Sinnott, of Newark. John S. Gibson, the commission's secretary, and Engineer Harrison were obliged to spend much time and energy in efforts to secure the consents and the coöperation of the valley towns. But finally the cities of Newark, Paterson and Passaic, and Belleville, Nutley, Acquackanonck, Garfield, Wallington, Rutherford, East Rutherford, Union, North Arlington, Kearney, East Newark and Harrison joined hands to prosecute the enterprise. Orange, East Orange, Bloomfield, Montclair, and Glen Ridge declined to enter into the pact; but those were

enough to guarantee the cost, and the first spade of earth on the flume was turned in July, 1912.

When the commission was ready to begin active work on the $10,000,00,000 enterprise, it was confronted by opposition on the part of the Federal authorities. They feared that the emptying into the waters of New York Bay of the enormous waste the intercepting sewer would carry into it would choke the channel from the bay into the ocean at "the Narrows." When the officials at Washington had been convinced that the sewage was to be so treated, before reaching the bay, as to make no deposit the ocean tides could not cope with, the New York City authorities protested on sanitary grounds against the use of the bay as a disposal plant for the Jersey cities. The New York City Chamber of Commerce is most busy in urging the suit. The proceedings are still going on in the Courts. But the New Jersey communities have not allowed them to stay its work. They claim that the under-bay ground on which the flume is to empty is part of New Jersey soil. The contractors have begun the construction of the intercepting sewer at a half dozen points, and expect to have restored the waters to their pristine purity by 1915.

CHAPTER XVIII

BALKING THE INDEPENDENT VOTE

Change of Election Devices as Soon as People Grew Accustomed to Them—The Voting Machine, the Last Introduced for Their Confusion, Indignantly Cast Aside, After the Trust Had Gotten $180,000 for What Is Now Scrap Iron.

Observations he had made, while his own canvass for the Governorship was in progress, probably drew Governor Murphy's attention to the necessity of primary reform. There seemed to be no question that the defeat of the Seymour candidates for seats in the State Convention had been accomplished in Essex County by brazen frauds. They were so glaring that even a grand jury drawn by a boss-made Sheriff had not dared to ignore the proofs, and to save its face had been forced to find true bills against some of the more reckless of the primary officials. The primaries of the times in other counties as well as in Essex were mockeries of the franchise. The party voters were entirely at the mercy of the county committees, men whom the county "leaders" named. The committeemen fixed the times and places for the taking of the ballots, and sent their own satellites to receive them and count them and announce the results.

Not infrequently they provided cigar boxes as the receptacles for the votes. The ballot-box was always an open one into which the boss's booth officials could thrust ballots by the handful for the men they favored, and from which they could as easily extract those that were against them. In the tally the clerks misread the names upon them, and recorded them as they pleased. If any one, detecting dishonesty, dared to raise his voice, he was set upon by the strong-arm squad the committeemen always had at call, and paid for his temerity with a black eye and often a broken jaw.

If, in spite of these conditions, an opposition candidate managed to score a majority, the defeated boss candidate had but to appeal to the County Committee to secure his certificate of election. The utter hopelessness of winning in a game like that, quite as much as the fear of injury, kept the party electors away from the polling places, and, as a rule, the boss's men were left in undisputed possession and control. One vote against none was sufficient to carry a poll, and elections were frequently won by fewer ballots than there were names on the ticket. With a machine only they could manipulate, the committeemen were always able to produce in the party convention the very delegates whom the bosses wanted in them, and the candidates they had picked out for the places never failed of their nominations.

The committee system that could be so depended upon for foreordained results renewed itself every year, with as much ease and certainty as that which marked its convention work. The committee members were elected at their own primaries, and their servitors at the boxes took precautions to see that they were never defeated. A scheme that worked in a closed circle like that afforded no chance whatever for the expression of any other preference than that of the dominant local boss. Independent movements were a waste of time and energy, and there was no use whatever of any one seeking a nomination unless his candidacy first had the "O. K." of the local chieftain.

The bosses were exceedingly jealous of their power, and as often as suggestions for primary reform were made, they had set up the plea that "the people" had a right to get together and make up their minds for whom they wanted to vote, without interference. It was the prerogative of the right of assemblage, which the Federal Constitution guaranteed. Two citizens could meet in the parlor of one, and agree to work together for the election of a friend, without asking the permission of the world outside. Why could not a hundred as well get together and agree to aid their common friend? That was all a convention was—a lot of citizens gathered together to pick out some one whom they all liked for an office. What may have moved them to come together was the business of no one but themselves.

The argument was so plausible a one that the primary offi-

cials indicted by the Essex County grand jury for the frauds in the Seymour contest had set it up in demurrer to the bills that had been presented against them. But, years before, the law had broken in on these assemblages of friends, and on the argument as well, by taking the view that the methods the assembled gentlemen sometimes pursued to promote the gathering and attain their ends gave to their procedure the aspect of a conspiracy. In the famous contest between Sheeran and Reardon for an Assembly seat in Hudson County away back in the seventies of last century, the Court had held that a combination of primary officers to count Sheeran out of the Democratic nomination was an unlawful and an indictable one, and had compelled the accused primary officials to go to the trial of the charge against them on its merits.

When Governor Murphy concluded that the State should, in the interest of political decency, make an effort to bring these party processes within the pale of the law, he therefore had precedent to support him in the view that the State was not powerless to act, and he put the proposition before the Legislature of 1903 with a determination to accomplish something. Ex-Senator Stokes, George L. Record, of Jersey City, and Joseph L. Munn, for many years the County Counsel of Essex, drew a bill providing open primaries, in which the party electors could, without the intervention of committee-made conventions, make their own nominations for local officials.

The original proposition had been that Governors and Congressmen and county and city officials, and even county committeemen, should be named in these primaries. But it was urged against an open primary for a gubernatorial nomination that it would give the populous end of the State an unfair advantage over the less populous end of it—the old struggle between North and South Jersey over again, and the Republican leaders abandoned that part of the plan in deference to the south end, where the Republican majorities were most reliable. As to the naming of Congressional candidates in open primaries, it was objected that a Congressman was a Federal official with whose election no State law could properly interfere. And the whole aggregation of local bosses set up a babel of protests against the application of the open-primary plan to the election of county committeemen. They would cease to

be bosses if they could not work their wonders through truculent committeemen. The Governor could not stand out against their united opposition, and that feature of the proposed bill was amended so as to leave its acceptance optional with each committee.

Thus the open-primary idea with which the advocates of reform started out simmered down to a bill confining its operations to the local candidacies—to the making of nominations for county and city offices. The local bosses saw that they could manipulate these with the aid of their county committees. Davis, in Hudson, had yielded to a local demand for nominations in open primaries there, and had produced results with quite as much ease and certainty as through his conventions. He had his whole force of committeemen at hand to rush boss-ruled voters to the booths, in which his own appointees served as election officers. The bosses everywhere could as easily maintain their domination under the new primary system. And they were not as opposed to its establishment as might have been expected.

On the other hand, they saw, in a change in the primary system, an opportunity to employ the powers of the State to crush independent outbreaks. Party chieftains of all political persuasions have a healthy fear of the independent voter, and a lively sense of the consequent necessity of chaining him down. The Republican bosses in power just now knew he could take the State from them as easily as he had given it to them. But, powerful as he is, he is not dangerous as long as he can be kept at home. There was no crevice through which he could crawl to the throne room and work the party lever. It is only when he goes outside and gathers a crowd to smash the windows that he becomes a menace. He was apparently getting ready for just such a siege of the party household when Governor Murphy came along with his primary reform suggestion. The bosses saw how they might slip into it a surreptitious rider here and there that would put the troublesome fellow in a dark room, and turn the lock of the law upon him.

They consequently fell right in with the Governor's primary recommendations. They agreed that local nominating methods were simply abominable, and they were unanimously enthusiastic for the reform that was in the air. When the

reform had passed through the mill of the Legislature they controlled, it came out patched all over with their handiwork. A reprint of Wakelee's bill would be necessary to point out all the "jokers" they slid into it as it went through. For one thing, it destroyed the boasted secrecy of the American ballot in the requirement that the voter at the primary declare his party preference, drop his ballot in a separate party box; swear, if necessary, that he had voted its ticket in prior elections, and let the booth official write his name and address in a book of party voters.

That record in the hands of the bosses was invaluable. Once registered there, the voter was barred by the law from ever afterward voting in the box of any other party. That provision nailed him to the wall against all efforts to free himself subsequently for independent action. It is in the little detail of the election machinery and processes—matters that the casual observer would think of no moment—that the boss gets in his fine work. The Wakelee bill was skilfully manipulated in that regard, as, for instance, the care with which the primary ballot was hedged about with restrictions as to printing and distribution that kept it as far as possible beyond the reach of all save the machine followers.

The fatal weakness, however, was in the clauses permitting the county committeemen to say whether the provisions for the election, in the open primary of committee members, should be followed, or whether the old cigar-box methods should be adhered to. The only committee that accepted the law in that respect was that dominated by Major Lentz in Essex County. There is a lot of civic enterprise in that great county, and the force of party sentiment compelled Lentz to take his chances on committee control in the open primary. Dickinson, in Hudson, did not dare to submit his leadership to the arbitrament of the popular referendum, and he continued to operate his committee member elections under the old system.

In 1906, when Mayor Fagan had turned against him, and, with Record, was striving to depose him, they succeeded, after a lively struggle, in getting through the Legislature an act requiring all county committees to renew themselves at the registration day primary. It had reached the Senate before Dickinson caught a glimpse of it. His sponsor in the Assembly,

Scott, of Bayonne, moved for its recall to the Assembly for "further amendment." The "New Idea" Assemblymen, who were in sympathy with Fagan and Record, undertook to prevent the recall, but their efforts availed nothing, and the act went back to a House committee forepledged to bury it. The colonel's local rivals, however, continued their efforts to bring the local committee within the range of the open primary law, and the first election for committeemen held after they had accomplished it destroyed Dickinson's leadership and put Hudson under Fagan's thumb.

Notwithstanding the drawbacks that have been casually sketched, the act, as Governor Murphy signed it, was a distinct gain in the direction of primary reform. It provided for the election of convention delegates at the registration places on the first day of registry under the supervision of the regular boards of registry and election, and for the use of official ballots, which the municipal clerks were to have printed separately for each party. That change took control out of the hands of the local committeemen, and provided regular ballot-boxes and sworn election officials to serve at them. The ballots were to be of the official election-day variety. The municipal clerks were to print that for each party, with the full list of their respective candidates, and have them at the polls for the party voters as they came. In bringing these annual party contests within the jurisdiction of the Courts, and making them part of the regular election machinery of the State, it laid the foundations on which Governor Murphy's successors, with conditions more auspicious, reared a system of wider and fuller popular rule.

With the same selfish avidity with which they fell upon Governor Murphy's primary reform suggestions, the bosses pounced upon his recommendation of the voting machine in his annual message to the Legislature of 1903. It may be assumed that the election methods of the regnant powers were no better or cleaner than their primary methods had been. Elections had been marked by all kinds of frauds. They were probably no worse in New Jersey than in other States, but New Jersey aims to be an exemplar for the good for other Commonwealths to look up to, and, besides, for their own sakes, her people were eager to purify her election methods. An

active lobby had long been spreading among them the propaganda that their votes could be most accurately and most honestly registered, and tallied beyond the possibility of distortion by knavish election officials, if the voting machine was used. The lobby had argued the case for the voting machine trust with such skill and assiduity that many of the shrewdest statesmen in the land had been convinced.

In a message to one of the three Legislatures of his term Governor Werts had advised the purchase of the machines for use at the polling places, and so given the Trust an introduction to the Jersey public that it studiously cultivated. It did not deem it prudent, however, to be precipitate in projecting its schemes, and it was not till 1902 that its aims took legislative shape. Fagan and Record had begun to stir up tumults in Republican circles, and the spread of their anti-monopoly and anti-boss propaganda had given the local chieftains some tremors of dismay. The petty leaders were ready to adopt any device that would help disfranchise these discordant elements, and the voting machine suggestion came to them as something that might be utilized to that end.

They had already given to the State a long string of election devices that, under cover of "reform," were intended only for the confusion of the voters. The Australian ballot system, with its yard-long ballot and its secret chamber in the polling place for the seclusion of the voter, was one of their disfranchising schemes, so new and so complicated in its operations that the bewildered voter would slink from the polls rather than face its intricacies. They had to establish schools all over the State for instruction as to its workings. These were ostensibly for the voters who, they knew, would never attend, but really for the enlightenment of their heelers and camp followers who, they also knew, would be sure to attend. By the time the general public had mastered the details of that system, the bosses would discard it, and throw them into another hopeless confusion with another election chart.

The people were becoming too familiar with the Australian device when the voting machine came into view as the thing needed for a new disfranchiser—and a better one. It was so difficult to understand that the timid would not venture to operate it. Even the intelligent elector who had the intrepidity to

face it would be confused in the use of its iron levers. A noted preacher who dared it came away from it perspiring, to denounce it as a wicked mockery. It was particularly obdurate in the hands of the man who wanted to split his ticket or vote an independent one, and every variation from the regular was heralded to the bosses with a tell-tale click that could be heard by all in the polling place.

Even after the voter had pulled the prescribed lever here and the prescribed lever there, he could not see, through that coat of mail, the credit for his vote or its tallying. In the ballot-box system there was danger of his ballot being abstracted after he had seen it fall into the receptacle or negatived by fraud in the count. But this little iron monster of bolts and bars, screws, springs and wheels, gave no sign that the vote had even been received or that it was tallied at all. And the doubting Thomas was obliged to content himself with the hope that it was all right, even if he was pretty well satisfied that it was all wrong. Some of the machines, put upon the State in the sequel, tallied more votes than there were names on the registry lists. The explanation that they were out of order only served to start inquiry as to whether any of them were in order to do the work for which they were employed.

And there were classes of voters to whom the machines would be more than mere terrors for the timid, and more than hopeless puzzles for the ignorant. To the foreign element, which as a rule has little sympathy with Republican candidates, this grim figure of the polling place, so cold, so hard, so unsympathetic, so rigid, unyielding and voiceless, in its coat of armor, with levers that swung with the swish of a sword, and clicked like gunlocks when they checked up a vote, would be a recrudescence of the iron-heeled spirit of despotism they had fled to these shores to escape, and they would be likely to shrink from a contact that was so vivid a reminder of old-land tortures.

Altogether the bosses agreed that the voting machine was just the thing they needed "in their business," and what Mr. Bryan happily describes as the "subsidized patriotism" of the State set up a chorus for the purification of the elections—and for the voting machine as the purifier. The Trust was fortunate in securing the coöperation of Senator Wakelee of

Bergen county in its effort to set up this thing of iron over the people. Mr. Wakelee is a gentleman with a face of Yankee sharpness and an air of Yankee briskness—quick-witted, plausible and ready-tongued. He is an uncompromising partisan, and, in his service in the Senate, had impressed himself upon his fellow legislators as a "likely fellow." His specialty, before he became interested in the voting machine reform, had been the scattering all over Bergen county of little borough governments wherever there was chance of more Republican officials; and Bergen Republicans were so grateful to him for creating new places for them that they were unanimous in the view that he should be Mr. Murphy's successor in the Governorship.

Both because of his energy and smartness and his influence, Mr. Wakelee was a good man to have behind the voting machine movement, and when he entered upon it he labored for it with the same sleepless attention he had given to his borough-building operations. He began his campaign for it with a bill through which the Trust was to "feel its way" to the public favor. It was not yet ready to come forward with a proposition that the state bargain with it. It merely sought, through Wakelee's bill, authority for the use of voting machines, instead of the ballot which had been so long glorified as the "Palladium of American Liberty," in the local polling districts that might ask for it. And the Wakelee bill created a "State Voting Machine Commission" with power to supply machines in the districts that applied for them. The Governor named Francis Phillips, of Chatham; Seward Davis, of Upper Montclair, and Joseph A. Brohel, of River Edge, to serve on the commission.

The election districts did not rush the commission with orders. Several of them let it be known, however, that they would like the machine if the State would buy it for them; and at the opening of the Legislature of 1903 Governor Murphy, in his annual message, suggested that it might be advisable for the State to set up, say, about forty of them, in as many election districts, to see how they worked. Wakelee responded to the suggestion with an act appropriating $40,000 for the purchase of 81 machines, and committing to the tender mercies of Secretary of State Dickinson the very important

function of designating the localities to which they were to be sent. The Senator succeeded in making a party measure of the act, and it went through both houses with a solid Republican vote in its favor.

The State House was rife with rumors when it became known that the commission had expended the $40,000 for 81 machines without inviting competition. The rumors were so prevalent and compromising that Governor Murphy felt called upon, in his annual message to the Legislature of 1904, to make explanation for the omission. Three concerns, he said, had offered machines. But it was learned that the factories of two were not equipped to furnish the supply, and the commission had no recourse save to award the contract to the third. The Governor, in his anxiety to improve election methods, was betrayed into giving public assurances that the 81 machines had given such eminent satisfaction as to justify the purchase of enough more to supply all of the 1600 voting booths in the State. More than $500,000 of expenditures would have resulted from the acceptance of the suggestion; and it was said the State could not spare the money. Wakelee had a bill authorizing the outlay, but it was supposed to have been held in committee till, long after the adjournment of the Legislature, the *Evening News* of Newark made editorial announcement that it had somehow slipped through, unobserved, in modified form. It was found on file in Secretary of State Dickinson's office, and, in authorizing the expenditure of an additional $100,000, enabled Dickinson to impose it upon about 200 more of the voting districts.

The selection of Dickinson as the distributor of the machines was a recognition of his skill as a practical politician. He had been schooled in the game from wardheeler up to national delegate. He had the reputation of being the best practical politician in the State—the most cool, the most calculating, the most relentless, the best informed. He knew all the localities and all their people, and their relations to parties and bosses. He could pick out the Republican districts where independent leanings called for the suppressing force of the voting machine, and the Democratic polling places where the struggle of the prevailing ignorance with the intricacies of the machine would reduce the Democratic poll.

He was just the man to send the party's new snuffer where it could do the most good, and he did not scruple to do it.

The reaction came when the uses to which the machine was being put began to dawn on the public conscience. The independent voters, growing in number, made their cry against being crushed under it heard. The half disfranchised Democratic districts joined in the clamor. Citizens who had tried to vote with it, but couldn't; others who did not know whether they had succeeded in voting with it or not, and the foreign element, who resented it as a reminder of the iron rule they had thrown off when they came here, leaped into the public places to denounce it and revolt against its use longer. But still the purchases went on—190 more in 1905 and 91 in 1906, making a total of 360, for which the State paid more than $180,000 into the hands of the Trust. The popular clamor grew and grew. The press gave voice to it. The *Star* of Newark was particularly energetic in a crusade that became nearly unanimous for the repeal of the acts that had made the conscienceless purchases possible. The bosses, beaten back by the tumult, modified the law so as to make the use of the machine optional with the districts. Special votes in 215 of the districts in 1908 resulted in its repudiation by 211 of them. Thirty-five elections in 1909 and 71 in 1910 expelled the ugly device from all save one each in East Orange, River Edge, Asbury Park and Camden, and six in Paterson. This overwhelming manifestation of popular indignation led to the repeal of the act by the Wilson Legislature of 1911. The discredited things came piling back to the State House, where the State House Commission has authority to sell them for what it can get for them. And Assistant Secretary of State Job H. Lippincott told the commission that the State will do well if she gets as much as $10 a piece for them—if she gets back $3,600 of the $180,000 she was beguiled into spending for them.

CHAPTER XIX

PIGEONS HELP CANAL BILL

Agitation Over Trap Shooting Leads to Special Session, at Which the Abandonment Bill Would Have Been Passed if the Lawmakers Had Not Been Scared Off—An Earlier Special Session for School Reform.

A notable change in the school method, with which the courts interfered, and an agitation against the killing of pigeons by South Jersey marksmen, forced Governor Murphy to call two of the legislatures that sat during his term into special sessions. The school reform put needed braces on the State's educational machinery and emphasized the theory that the school is a State and not a local institution. It was put in legislative shape by State School Superintendent Charles J. Baxter and ex-Senator Stokes, who was president of the State Board of Education. The striking inadequacy of school room started them on a general plan of renovation and readjustment of relations that the school men say has resulted in large advantage to the educational interests of the Commonwealth.

In the rural districts the parsimony of some of the school boards would not permit sufficient allowance for the proper care of the children. The view of the native Jersey ruralist is that schools are luxuries for the "city folks" to enjoy, and they put their hands in their pockets with grimaces of reluctance for the education of the children. And, in some of the cities, the politicians absorbed so much of the public revenue that there was none left for the schools. The accommodations in Jersey City, for instance, were scandalously inadequate. Between 1872 and 1897 the city had not issued a single bond for school building or extension; and if the parochial schools had not come to their aid fifteen thousand little ones would have been left to roam the streets for want of school room. The city was in the hands of the hungriest gangs of

place men and grafters in all the State. It was practically impossible to persuade the Board of Finance to make any but a comparatively paltry allowance, that made it impossible to meet the demand for more teachers at better salaries in enough classrooms. In 1897 the conditions there had become so notoriously bad that the School Board was forced to demand the passage of an act bonding the city in $200,000 for new buildings. This served to draw attention to the fact that every school district in the State had to run to the Legislature every time it was necessary to spend a dollar in excess of its often meagre income for needed school facilities or equipment. Beyond that, the law had been patched into variegated picturesqueness by the series of little acts passed at the instance of first one school district and then another, to meet its passing wants; and it was quite impossible to construe the school code into anything like harmony.

Under the lead of Mr. Stokes, the State Board of Education set itself to the task of preparing the new law for school government. It enforced, more vividly than before, the theory that the schools, though maintained by the money of the local taxpayers, are a State and not a local institution. The act took them out of the surrounding atmosphere of the local officialism, and made a separate corporation of each of the local school boards. These boards, through a board of estimate, were to fix the amount required for school purposes, and the local financial authorities had no choice save to put the requisition into the annual tax budgets. The fear that they might demand more than the localities could afford led to the constitution of the boards of estimates on lines that conserved the local interests. In the bodies of five the Mayor and two members of the local finance department were to have seats. The two others were to be members of the local Board of Education whom the Mayor had appointed. The inclusion of the two school trustees in the board was thought to be a sufficient guarantee that the demands of the schools would secure reasonable recognition. So as to avoid the entanglement of the school appropriations in the cheese-paring process that attends the annual attempt to adjust the local cash to the department demands upon it, the new law directed that the Board of Estimate's requisition should be made up two or

three months in advance of the make-up of the general local budget. The effect of that provision was to take care of the school teachers before the politicians were allowed to crowd in for their share of the public pelf.

An even more important provision was that empowering the Board of Estimate in each locality to bond the municipality for new schools up to 3 per cent of the local ratables. Under that provision, City Superintendent Henry W. Snyder has been able to give to Jersey City a long line of beautiful new school buildings that at last meet the demands for school room. It has enabled City Superintendent Addison B. Poland of Newark to work the wonders there that have made the Newark schools a model for the country.

For the rest the act greatly enlarged the powers of the State Board of Education; made it the absolute arbiter as to the character and capacity of the school districts; scooped into the school revenue the $200,000 per year income from the riparian fund, an allowance from the State's general fund, the product of the State school tax and of the local school tax as well, and the railroad tax paid into the State in excess of the one-half of one per cent which the State reserved for running expenses; authorized the State Superintendent to withhold the State moneys from districts that did not toe the mark of the law; forced connection of the teachers with the Teachers' Retirement Fund; enacted that all school districts should provide ample accommodations for all of school age, which was fixed from 5 to 20; reënforced the policy of compulsory education; revivified the truant officer, whom the communities with inadequate school room had prudently abstained from appointing, and generally set up a school paternalism over communities and citizens.

The Hudson County politicians raged when they learned what an inroad the schools would find it possible under the law to make upon the fleshpots that they had come to regard as only theirs. The teachers themselves were not all satisfied with incidental provisions regulating the matters of appointment and transfer; and when Senator McKee of Passaic introduced the act the Democratic Assemblymen from Hudson County, in the interest of both politicians and teachers, prepared to attack it. But they soon discovered that the Re-

publican leaders had checked it through, and they could not even delay its leap, from stage to stage, to the Governor's hands.

Senator McKee rushed it through the Senate almost as soon as it had been introduced, and sent it posthaste to the Assembly for concurrence. It went into Cresse's Committee on Education one hour and came out the next, and through second reading with spurs on. When Williams of Essex tried to help Tennant of Hudson secure a reconsideration for the purpose of further amendment, Speaker Bradley was deaf to their clamors for recognition. On final passage it was debated by Fallon, Hamill, Treacy, Tennant and Stillwell, all Hudson men, on the negative side; but the arguments made for it by Horner of Burlington, Bacheller, Boyd and Lord of Essex were foreordained to be effective; and in a few hours it had been honored with the Governor's signature.

The act was taken into the courts by its opponents in Hudson County, and the decision of the Court of Errors and Appeals, in the fall of 1903, that its classification made it unconstitutional threw the entire school system of the State into confusion. Its defeat vitiated contracts that had been made under it and prevented steps for the collection or the distribution of the moneys needed for the current school expenses all over the State. Governor Murphy was compelled to call the Legislature of that year into extra session for its mending. The law committee of the State Board smoothed the wrinkles the courts had found in it out of it. Robert H. McCarter, Attorney General, opposed it as to its legal fitness. Colby of Essex reintroduced it into the House, and it was reënacted.

The far more exciting, though less productive, extra session for which Governor Murphy issued a call was that which the Legislature held in the summer of 1904. The perennial bill for the abandonment of the Morris Canal, which the Lehigh Valley Railroad Company, lessee of the canal, had struggled for thirty years or more to force through the Legislature, had seemed to appeal with unusual force to the favor of the lawmakers of that year. The Morris Canal had been the only route for the transportation of coal from the Lehigh mining regions in Pennsylvania to tidewater. Its paralleling

by the Lehigh Valley Railroad Company, whose locomotives could carry the mine output much more speedily, had impaired its commercial value. Some of the Morris Canal directorate were in the directorate of the railroad company; and it was said, in the course of the discussions the canal abandonment proposition aroused, that the railroad company had come on the scene with anticipations of closing the waterway. It could not cease to use it for transportation purposes, however, without a reversion to the State. An earlier year had been fixed in its original charter for the surrender of the property to the the State. That time had been extended from time to time at the company's own solicitations. At the time the Legislature of 1904 received the recurrent abandonment bill, the law fixed 1974 as the date for the surrender to the State. The railroad company had leased the canal from its operating company, and, claiming that the more modern transportation methods had made its longer operation unprofitable, sought permission to abandon it for canal purposes.

It was the company's right, of course, to go out of the canal business whenever, before 1974, it was ready to give back to the State what the State had given; and, really, the State had never thought of talking about abandonment till the company began to solicit her to let it abandon. But the Lehigh lawyers and officials twisted the thing right around, and dilated on its own proposition as if the State had made it, with such persistence that it seemed at last as if the State were importuning the company for something she wanted to get instead of the company importuning the State for something it wanted to keep. One would have thought, from the drift their skill eventually gave to the controversy, that the State were trying to induce the company to cease operating one of her highways of commerce; and, instead of humbly begging the State to let it out of its contract on the best terms the State would consent to, the company came to demand of the State what she would give it if it would only cease to live up to its contract any longer.

In furtherance of that plan of controversy, the company undertook to create a sentiment among the people that would force the State to let it out of its engagements on any terms it saw fit to propose, by telling them what a nasty thing the

canal was, anyway—nothing but an open sewer across the fair face of the Commonwealth, a repository for all the foul and unwholesome excrescences they would not keep on land, generating an atmosphere that carried disease and death into all the beautiful towns and villages along its course. Its subsidized advocates, in the press and out of it, painted the argument in such lurid hues that some unsophisticated citizens really believed the State would get to be one vast hospital unless she just made that canal company shut off its stream and devote the lands under it to healthier and safer uses.

The persistence with which the company urged its plans in the legislatures from year to year led to a general inquiry as to the reasons that had prompted the company to discontinue the use of its waterway for transportation purposes, as well as for the discontinuance of traffic on the Raritan Canal by the Pennsylvania Railroad Company. It was said that the coal-consuming public was losing by the employment of the more costly methods of steam transportation. Later in the year this point of view was considered by Hudson Maxim, the inventor, owner of many acres on the shore of Lake Hopatcong, the canal main feeder, who, though opposed to abandonment, figured that the use of the canal would make a difference of only a cent per ton to the coal consumers. He estimated that the nine railroads entering New York and the near cities in New Jersey carried 199,000,000 tons of coal in 1910. He estimated that about 500,000 tons could be carried through the canal from Phillipsburg to tidewater in a year, "provided the feed-water should hold out." The Pennsylvania Railroad alone carries as much coal in three days as the Morris Canal could transport in a year, and in 1910 carried as much as the canal would be able to carry in one hundred and thirty-two years. The maximum freight carried by the canal in any one year (1866) was 889,220 tons.

One legislature named a committee to inquire into this aspect of the question, but it came to nothing; and eventually the company induced the State to name commissions to work out a basis of abandonment that would be fair both to State and Company. There was a long series of these, in the course of the years. One of them, known as "The Three Governors' Commission," had consisted of ex-Governors Griggs,

Werts and Voorhees. Another notable one included ex-Supreme Court Justice Bennett Van Syckle. The legislatures supplemented them from time to time with exploiting committees of their own.

Every time a commission made its report there was a shower of words over it. Not a proposition escaped bombardment by press or people. Here it was described as a mere scheme of the railroad to seize a canal-bed right-of-way worth millions for its trains. There it was denounced as a plan to "steal" the canal basin on the Jersey City water front, now grown into twenty millions of value. This locality picked out a clause that meant sacrifice for it; another found other local reasons for opposition. But through all the commission reports the release of the $20,000,000 tidewater basin on the Hudson River to the company for much less than its value was the never missing bone of contention.

E. B. Thomas, the president of the Lehigh Valley Company, made this point of attack a topic for explanation in a letter he sent, over his own signature, to the *Daily News* of Plainfield, on the eve of the presentation of the latest abandonment bill to the Legislature. He called attention to the fact that the $615,000 which most of the reports, and that of the Three Governors notably, recommended should be paid to the State by the company for the State's reversionary interest in the basin, would, at interest up to 1974, when the State can enter into possession, be equivalent to a capitalized asset exceeding $8,000,000. "If," President Thomas added, "to this be added the value of the water rights which the State receives, estimated by the State's experts at $3,000,000, and the proceeds of the sales of the canal lands between Paterson and Fiddler's Elbow, Jersey City, the total received by the State is far greater than any reliable estimate that has yet been made of the value of the property on the Hudson River."

The Legislature of 1904 might not have come into closer contact with the proposition than previous legislatures had done but for an accidental agitation over a pigeon bill. From some of the South Jersey humanitarians had come a cry for the saving of the bird from the sporting trap-shooters, mostly Philadelphians, who made Riverton, Carteret and neighbor-

ing Burlington towns their rendezvous. Williams of Essex introduced into the Legislature of 1903 a bill proscribing the slaughter. It had probably been inspired by Colonel Edwards, president of the Essex County S. P. C. A., who afterwards told the House committee at a hearing that he had seen 761 birds used for a target in one afternoon's shoot at Freehold. The Colonel's narrative touched all but the committee. Consisting of Brown, Elvins, Gibbs, Buck and Loveridge, it refused to report the act, and all attempts on the part of its friends to lever it out were ineffective.

The newspapers inveighed furiously against the cruelty of the sport and the wickedness of the Legislature in its refusal to interfere with it; the editors were bombarded with letters from their readers demanding its prohibition by law; and when the Legislature of 1904 assembled it was supposed that public sentiment would send the Solons to the immediate relief of the birds. The energetic young Ernst of Hudson introduced the prohibitory bill in the Assembly. Speaker Avis, who is a South Jerseyman, had made the Committee on Game up in much the same way in which Speaker Horner had made up the committee in the Legislature of 1903—the South Jersey contingent dominated it; and it held the committee tightly in its grip. New Jersey sent up a storm of protests against the committee's obduracy, but it had not been moved when the session came to a close.

Nothing was heard in any part of the State for the next two months but lamentations for the pigeons, and the chorus swelled to such proportions that the Republican leaders were afraid the refusal to act would defeat the party in the gubernatorial campaign just ahead. Governor Murphy took cognizance of the public clamor and summoned the Legislature to a special session for the consideration of the subject.

"It is not so much a matter of pigeons," he wrote, "but whether any question in which a large number of people are interested shall receive proper consideration at the hands of the representatives of the people."

The Governor advised, besides, that the Legislature might, at its special session, consider the canal abandonment bill. The report of the Three Governors, he explained, had "treated the subject with such signal ability and presented the

matter in so equitable a light as to disarm criticism of the abandonment."

When the two Houses came together again for the extra meeting they were absorbed wholly in the canal abandonment proposition. The passage of the pigeon bill was anticipated, and it sped through the Senate with the votes of Horner, Lee, Childs and Martens alone against it; and through the Assembly with only Colclough, Elvins, Gibbs, Roberts, Robbins, Shedaker and Shaw in the negative. Then the managers of the party gave themselves up entirely to the advisability of action on the abandonment bill. The air had become full of ugly rumors in connection with the proposition. The leaders feared the effect on public sentiment of action at a time when scandal had come to the measure, and the Houses, having caucused against its consideration, dissolved without calling it up.

That was not, however, the end of the company's efforts. The abandonment act kept on making its appearance with unfailing regularity, in one House or both. But it was not till the Legislature of 1905 had come together that special effort was renewed for its passage. Duffield of Essex was the leader of the large Republican majority in the House; Bacheller, also of Essex, was the floor leader in the equally overwhelming Republican Senate. For some reason that it is not worth the while to enter into here, the sentiment in favor of abandonment is more active in Essex than in any other county, and the presence of these two Essex statesmen in the commanding places in both branches of the Legislature is presumed to have given the company fresh hope. It was Duffield, indeed, who presented its act for legislative consideration; and, to the surprise of the State, it was taken up one evening and put through the Assembly under his lead by a vote of 42 to 16. The sixteen negative votes were cast by Alexander, Hamill, Lange, Murphy, Riordan, Wildrick, among the Democrats; and Baker, Elvins, Fordyce, Johnstone, Layden, Marelli, Miller, Mills, Robbins and Wright, Republicans. Mabie was absent. The rest of the sixty votes in the chamber passed the bill.

The astonished State thought it found the explanation of this sudden passage when it was told in some of the papers

of the day following that the air of Trenton was alive with rumors of bribery. The House set on foot an inquiry as to the responsibility for the publication of some of the scandalous details. The prevalence of the bribery rumors had been noted in the *True American* of Trenton, among other prints, and Harry Conover, its House reporter, called to the bar of the Assembly, was quizzed as to the source of his information. With some reluctance, he disclosed the name of George Fred Ege, afterwards secretary of the Board of Education in Jersey City, but then the legislative correspondent of the *Observer,* in Hoboken. Mr. Ege, who was sitting at his desk in the correspondents' gallery, was haled before the House at once. He confessed he had heard the stories of bribery, and he had published them. Who told of them to him?

"I won't answer that question," he responded.

"Why not?"

"Simply because I won't," was Ege's testy reply.

The chamber became a hum. The astonished—maybe the relieved—Solons were chatting over the problem of dealing becomingly with the mutinous young correspondent. He was plied with further questions along the same line, and responded with the same blunt refusal to name his informant. He was threatened with commitment for contempt, and advised the legislators to first acquaint themselves with their power to commit. It was necessary to consult Attorney General Thomas N. McCarter about that. Mr. McCarter, and his father before him, had been counsel for the Lehigh Valley Company. He advised the Assembly that its only recourse was to take Ege's contumacy before the grand jury and ask for his indictment. By the time the grand jury met the trail had grown cold.

The public was being treated to this spectacular sideshow in the Assembly when the promoters of the act carried it over to the Senate. The winter's session was about to close; only a day or two remained for legislative work. To secure the Senate's concurrence before the end, a suspension of the rules was necessary. Bacheller was appealed to. He might have been complaisant but for the bribery excitement across the hall. As it was, he halted; and the movement for its rushing

lost its spring and buoyancy when it became known that Senators Bradley, Hillery, McKee, Minturn and West were primed for speeches against it. They could have easily "talked it to death" if the occasion had arisen. But it did not arise. The discouraged railroad lobby folded their tents and abandoned "abandonment" for the winter.

The public had conceived the idea, from the run of the discussions from year to year, that the company was particularly bent, in its persistent quest for legislation, upon confirming its title to the tidewater basin at Jersey City, which it had refitted for terminal use; and there grew up an insistence that the State's reversionary rights in the valuable property be judicially ascertained. The basin lands had become worth about $30,000,000. The company claimed right of possession under an improvident grant a complaisant State Riparian Commission had conferred upon it years before, for a trifle of $250,000. In the Legislature of 1906 Elvins had offered a bill directing the Attorney General to institute proceedings for a court sifting of the claim. When the company's lobby defeated it he renewed the effort to pass it in the Legislature of 1907. The Houses could not stem the tide of sentiment for the inquiry, so they passed the act. But twelve days passed before it was delivered to the Governor, and then it had been so badly mutilated and disarranged as to make it worthless. An inquiry by the Assembly brought no information as to who had destroyed it, or what the motive. The Legislature was still in session when its ruined condition was discovered, and the act was repassed in proper shape and sent back to the Governor's hand for approval.

The atmosphere of scandal in which the company has pursued its ends with the State has brought no discouragement to its officials; and down to the Legislature of the year in which these lines are penned its abandonment scheme has been forced upon the attention of the Legislatures. The company's arguments have been so persuasive that even Governor Wilson was moved to efforts to pass it. With ex-Supreme Court Justice Bennett Van Syckle and Attorney General Edmund Wilson, the Governor was a member of the latest of the special commissions that have gone into the subject for the State. They, too, advised abandonment on terms

that the company evidently regarded as favorable. But the Legislature refused to pass the bill that had been drawn in conformity with their report.

It must be said of the work of these special commissions—of all that have reported on the company's proposition—that they have been made up of public men of the highest repute, both for integrity and learning; and the fact that all of them have reached conclusions that large concessions should be made by the State may be accepted as an indication that their close and itemized acquaintance with all the little details of fact and law bearing upon the points in dispute must have revealed to them elements of equity in the company's claims and insistments not properly understood or appreciated by either the people or their legislators.

CHAPTER XX.

MARK FAGAN MAKES A SENSATION

Young Undertaker's Assistant, Springs Into Mayoralty of Jersey City, and Begins an Anti-Corporation Fight That Ends in Startling and Accusing Letter to Governor Murphy.

Col. Samuel D. Dickinson's law changing the time of the charter elections in first-class cities from the long-observed spring season to the general election day in November led the calculating Colonel into an ambush. It enabled him, in the fall of 1901, to throw the local contest into the Republican swim of the State election, and to impose a Republican Mayor upon Jersey City, which in all its history has had only two of the kind before. Dickinson was the merciless boss of the Republican machine in Hudson County. It cannot be said that he deliberately picked Mark M. Fagan for the Mayoralty at that eventful first of the fall charter elections. Fagan had burrowed under the Colonel's feet so deeply and so thoroughly that when he came up to say he wanted to be Mayor the Colonel was afraid he might fall through unless he consented; and he made a virtue of apparent necessity by adopting him. The Republican swing of the fall election helped the two; and Fagan was chosen by the people to act as their chief in the City Hall. In the sequel the Mayor became a white elephant—or worse—on the Colonel's hands; and the hard-headed local boss had frequent occasion to rue the timidity that had driven him to take him as a candidate when really he did not want him.

Mark Fagan was a young man, with eyeglasses and a big blond mustache over a fresh Irish face. He was a mere undertaker's assistant at $15 per week when he jumped at this single bound into the $5,000 a year city job. Such anomalies as the selection of inexperienced and unequipped men for the public places were not uncommon in Jersey City.

This city has never been over-particular about the quality of its officialism. Caste and social standing rather counted against an aspirant for place there than for him. With a stolid indifference that astounded the rest of the State, her people had seen half the ballot box stuffers shoved into city offices after their release from State's prison. The community had been treated to the spectacle of Bindernagel administering his office of County Director from behind the bars of the penitentiary. In the contest that had made Fagan Mayor this little undertaker's assistant was accepted in preference to the son-in-law of Edward F. C. Young, the millionaire president of the First National Bank, and Otto Wittpenn, who years afterward succeeded Fagan, was wearing a grocer's clerk's apron when he stepped into the politics of the county.

Thus Fagan saw no handicap to his Mayoralty aspirations in his humble occupation and surroundings. It occurred to him, indeed, as he tapped tacks into the coffin trimmings in his undertaking shop, that it might be an advantage to him. Jersey City is a Catholic community, and his mortuarian duties had been wholly among that element. They had brought him into contact with priests and parishioners, and, as he was an engaging kind of a fellow, he was rather liked by them. One evening, when a coterie of kindred spirits gathered around him for an after-hours chat, he entertained them with calculations as to the size of the Catholic vote in the city, and figured it out that it was, on the one hand, large enough to control all the offices, and, on the other hand, getting wholly inadequate recognition in their distribution; and those who heard his discourse at that time know now that it was then he conceived the idea of asking recognition for it by seeking the Mayoralty as its representative.

He did not come into the open as an aspirant, but instead conducted a secret quest for votes. Away into the small hours he was busy on a quiet house-to-house canvass, appealing particularly to the women to induce their male friends and relatives to help him—for The Church! The shrewd fellow! He knew the power of the Church with the women! The appeal warmed their bigotry, besides flattering their vanity. And they talked for him with an enthusiasm no candidacy

had ever aroused among them before. When his torchlight campaign procession marched through the streets where "The Church" is most adored, the women crowded to the windows two and three deep all along its line to shout Godspeeds to him, and waving flags and handkerchiefs in token of their sympathy. The priesthood of the city gave him their solid support, and when the votes were tallied on election night it was seen that, Republican as he was, he had polled his largest vote in the strongest Democratic, and strongest Catholic, districts of the city. In this way, a bit in spite of Colonel Dickinson, rather than with the boss's help, he transformed himself from the $15 per week undertaker's assistant into the $5,000 per year Mayor.

As soon as he had announced himself, George L. Record, a brilliant and idiosyncratic lawyer, who had made several efforts to break into politics, took him in tow. Record had been a Democrat till "Bob" Davis refused to accommodate him with a Congressional nomination. Record confronted Davis with an open primary law, put himself up as a candidate again, and was worse beaten by the party than he had been by Davis before. As the Democrats had no use for him, the ambitious lawyer turned his eyes toward the Republican party. The Republican party of Hudson was principally Dickinson. It was so unnumerous that the accession of any Democrat was hailed as a gain, and, of course, it was glad to have so brilliant a recruit as Record. If he was not a radical, temperamentally, Record was still ready to shock the conventionalities by any extravagance of speech or philosophy that would attract public attention. Fagan's campaign gave him a chance to disport himself under the public eye, and he was in his element when Fagan accepted him for his campaign manager.

Davis helped their campaign by playing a witty trick on the Democratic party in the selection of the candidate against Fagan. When the anxious public was trying to find out whom he favored, he had, with oracular indefiniteness, said he thought that "Smith looked like a winner." Col. Robert G. Smith, of the Fourth Regiment, N. G., was an avowed aspirant for the nomination. He was president of the association of 5,000 members that bore Davis's name. Davis's fol-

lowers "rooted" for him with the idea that he was the boss's own preference. They were paralyzed with astonishment when Davis's city convention presented the name of another Smith—George T.—to the Democratic voters for their support.

"He was the Smith I meant," he told his amazed lieutenants.

Everybody knew Col. Robert G. Smith. Everybody asked who George T. Smith was. He proved to be the amiable son-in-law of Young, the president of the First National Bank of Jersey City, and "Bob" Davis's patron. Mr. Young was up to his eyes in railroad speculation. He was the president of the local trolley companies. He was besides the chief fiscal agent in New Jersey of the Pennsylvania Railroad Company—a corporation magnate from top to bottom. Because of his fondness for his daughter, he had pushed her husband from a $1,200 clerkship in a railway office in New York till, only a few days before his nomination, Mr. Smith had become the general Eastern agent of the Pennsylvania Railroad Company, at $10,000 a year.

Nothing could have been more unfortunate for the Democracy of the city than Smith's nomination was, at a time when the public mind was particularly sensitive on the corporation question. And in his family relations Candidate Smith stood for just those of the abominated corporations from which Jersey City thought she had suffered the most. The trolley company, of which Mr. Smith's father-in-law was president, was absorbing all of the public franchises it could reach, and giving as little as it dared in return for them. And the Pennsylvania Railroad Company had thrown its arms around the most valuable of the local properties and taken them for its own use. The people held both those concerns, in which Mr. Smith's father-in-law was a chief factor, responsible for the tardiness of the city's growth, and regarded both as hindrances to her development.

Fagan is quick-witted, and he saw at once the advantage Davis's maladroit selection of a candidate against him had given to him; and Record helped him to seize the opportunity by planning one of the keenest of anti-monopoly crusades. The temper of the public mind made Smith's campaign a wholly impossible one, and Fagan became the first Republican Mayor of Jersey City since Collin's time.

The line of his campaign committed Fagan, as a Mayor, to the continuance of his war upon the local railroad and trolley interests, and he rode into public view as a vigorous anti-monopolist. He began the attack with a bill for equal taxation, which Record, whom he had made Corporation Counsel, had drawn. It would have forced the railroads to pay at the full local rate upon their holdings. When Fagan reached Trenton with the bill he found it hard to persuade any one to introduce it into the Assembly. At last Assemblyman Hamill, an eloquent young member from Hudson, consented to stand sponsor for it, at the risk of incurring the displeasure of Boss Davis; and it was started on its way to enactment.

Mr. Record is a very versatile gentleman. A little war with the railroads was not enough to engage all his energies, and he meanwhile opened fire on the trolley company that was fast coming into control of all the surface lines in the State. They were operating in Jersey City under the old horse-car charter of the Jersey City and Bergen Railway Company. Record found a mare's nest in that company's bill of rights, and immediately arranged to move for the vacation of its charter. Litigation looking to that end could not be set on foot without the consent of Attorney General Robert H. McCarter. Mr. McCarter looked into Mr. Record's case, and, concluding that it could not be successfully prosecuted, refused to allow the State to become a party to the commencement of proceedings. Whereupon Mr. Record started Mayor Fagan to Trenton with another bill that authorized the Mayor to sue without the Attorney General's consent.

This spectacular war upon the corporations prompted them to retaliate, and they opened fire on Fagan's government through the water syndicate. Jersey City had been aided in making her water department self-sustaining by selling from her reservoirs to the surrounding communities. The water syndicate shook public faith in the safety of Fagan's administrative methods by taking from Jersey City the Bayonne supply contract. Then it went across the Meadows, and took Kearney, another of Jersey City's customers, from her. Next it went to Harrison, and was busy there in an effort to

wean away another water patron, when Record drew another bill to stop the water carnage that was frightening the Jersey City taxpayers, and hurried to Trenton with it.

These wars with the corporations were calculated to put Fagan out of line with the Republican policy of submission to corporation influence; and it was not many months before both he and his restless manager were regarded by the loyal Republicans as outside the breastworks. In a spirit of reprisal the party leaders set their faces against all the legislative propositions the two had put before them; and, though both practically lived in Trenton to promote the passage of their bills, they found it impossible to lever either of them out of the committee to which it had been sent.

The close of the Legislature of 1904 was approaching, and the assurance that their legislation would not be advanced a single stage threw them into a frenzy. Record called for paper and pencil and dashed off a railing open letter to Governor Murphy. It cited the bills locked up in committee and accused the Legislature of being hopelessly under the domination of the corporations; called upon Governor Murphy, as the official head of the Republican party in the State, to compel it to forsake its corporation servitude and work in the interests of the people, and admonished him of the certain fall of the Republican party in the State unless, by the passage of the Jersey City bills, there was a change of heart—and of front—in Senate and House. The letter was given to the newspapers even before it could be carried to Governor Murphy's office. It created an intense popular excitement. The convulsion opened the eyes of the party leaders to a realization that a big battle, with skillful spectacular artists, was a certainty of the near future.

The Mayor followed up the letter with aggressive measures. He organized an Equal Tax Association of Mayors, and with Record addressed local gatherings all over the State. Among those associated with him in the Equal Tax Association were Mayors Ryan of Elizabeth, Katzenbach of Trenton, Belcher of Paterson, Reed of Morristown and Bayliss of North Arlington. Ryan and Katzenbach were not of Fagan's own party. They were Democrats, and their participation with many others of Fagan's party was the symp-

tom of widespread sympathy with Fagan's anti-corporation crusade.

Visions of a great revolt against the party in the gubernatorial campaign of the fall, for which all sides were then preparing, prompted the party managers to conciliatory steps. They pleaded the impossibility, in the few brief days of the legislative session that were left, of disposing of so important and complicated a question as the adjustment of the economic relations of the railroads to the State, and to the communities. The better (indeed, they urged, the only proper) method was to have a special commission named to study the problem in all its aspects, with the aid of experts, and report conclusions and recommendations to the next Legislature.

An act framed in consonance with this line of thought was drawn, caucused, passed and signed inside of two days. Governor Murphy selected, for the elucidation of the problem, Chief Justice W. S. Gummere, who had been counsel for the Pennsylvania Railroad Company; Associate Justice Charles G. Garrison and Chandler W. Riker, ex-Senator William M. Johnson, and Charles C. Black, a member of the State Board of Taxation. Every one recognized the creation of the commission as only a sop to a whale.

CHAPTER XXI.

STOKES BEATS BLACK FOR GOVERNOR

Smith Let Davis Make the Democratic Nomination This Time—Black Tried the Anti-Monopoly Issue—Stokes, Though Considered a Friend of the Railroads, Had More Than 50,000 Majority Over Him.

The foreshadow of the nomination of ex-Senator (now Clerk in Chancery) Edward Caspar Stokes for the Governorship in the coming fall (1904) by the Republicans made these incidents of immediate concern. Mr. Stokes had allowed his South Jersey followers to acclaim him for the Governorship away back in 1901. As there was no hope at that time of the nomination of any one else than Franklin Murphy, the Chancery Clerk had not encouraged his zealots to an active canvass in his behalf. But he hailed their enthusiasm as a good starter for the campaign of this year; and the idea that he was slated as Murphy's successor was so sedulously spread that there seemed to be no one afield against him.

Mr. Stokes had come up to Trenton from Cumberland County—the product of the Sewell machine in South Jersey. He had been the big General's chief lieutenant in that part of the State. The Pennsylvania Railroad forces which Sewell had controlled were all with him. He was everywhere recognized as a friend of the corporations; and his candidacy, therefore, had the aspect of a defiance of the rising public sentiment against their domination.

Yet, when the State Convention met in Taylor's Opera House late in September, his was the only name presented. State Treasurer Frank O. Briggs, who had succeeded to the chairmanship of the State Committee when Governor Murphy stepped out of it, called the delegates to order, and ex-Senator Johnson of Bergen presided over them. His address to the delegates was printed by the State Committee

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A distinguished lawyer who is high in Democratic councils

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and circulated as a campaign document. Senator Bloomfield H. Minch, of Cumberland, made formal presentation of Stokes's name, and the nomination was made by acclamation. Uzal McCarter, of Newark, and Washington A. Roebling, of Trenton, were as unanimously named for electors-at-large, and the only ripple of friction came in the Committee on Resolutions, where Mr. Record urged that Mayor Fagan's equal tax bills be made a plank in the platform. The committee decided, rather, to resolve that "We, the people," should wait till the view and recommendations of Governor Murphy's special Equal Tax Commission had been made known. That august body of investigators would be sure to come to the relief of the people with a great mass of cognate information gathered from the four corners of the globe, and to make a report so rich with the experience and wisdom of the ages as to lay the ghost of unequal taxation for all time. And Mr. Record's attempt to anticipate the coming State paper with the crude system an undertaker's assistant, become Mayor, had devised was a dismal failure. The suspicion that Fagan and he would make war on Stokes because of the repudiation of their platform plank, and Stokes's supposed devotion to the corporations, was so general that a half dozen solemn assurances that they would be true to their party were listened to with many misgivings.

On the Democratic side "Bob" Davis decided that this was just the time to trot out his friend, Charles C. Black, who had succeeded in posing as an "equal tax" specialist, for the nomination against Stokes. Mr. Black is a tall, spare, sharp-featured, snappy-tongued gentleman, who had managed, on the one hand, to get a reputation as an equal taxer, and yet for twenty years to hold continuously offices from which the great interests at which the equal tax agitation was aimed could easily have barred him. He has been holding offices ever since, and at this writing is a Circuit Court Judge. At the time the Hudson crowd groomed him as a candidate against Stokes he was a member of the State Tax Board. The Anti-Equal Tax influences were supposed to be potential in the make-up of that Board. But Mr. Black succeeded in playing both roles successfully, and, while apparently unobnoxious to the corporation forces that filled State offices, had

come to be looked upon as a leading Equal Tax champion. This was especially so in Hudson, where, because of the enormous railroad holdings, the Equal Tax Anti-Railroad sentiment was strongest.

Ex-Senator Smith was not interested particularly in State politics at the time. He professed even not to know who Mr. Black was.

"Mr. Black!" he exclaimed in his jovial way when asked his view as to Black's candidacy. "Ah, yes! Mr. Black! But who is this Mr. Black, pray? And where does he live?" Mr. Smith's warm and sunny temperament is not partial to icebergs.

At the same time he did think the party ought to pick out some one whom Mr. Smith knew—and other people knew—for its prestige in the National campaign that was to be fought out at the same time with the State campaign. Mr. Smith was absorbed in the Presidential controversy. Colonel Roosevelt was nearing the end of the term which Czolgoz had given him, and he had been stamping and rearing around so unrestrainedly that a good many Republicans feared it might not be safe to have him for a second term in the White House. Roosevelt seemed, nevertheless, to have the nomination in his hand. Coupled with the split against him, there were signs of a reaction on the Democratic side that made for a harmony the party had not known in recent years. Bryan had not come forth from Nebraska to seize the party banners again. The sixteen-to-one craze had passed away.

To the ex-Senator's eye, there was something like a Cleveland renaissance ahead. He had, indeed, declared his undying devotion to the Princeton Sage as a candidate against Roosevelt. As the Presidential nomination on the Democratic side seemed to be already assured to Alton B. Parker, the Smith followers in New Jersey wished to utilize Mr. Cleveland as a candidate for the Governorship, whose overshadowing name might wrest the State from Stokes and the Republicans. But Mr. Cleveland was too busy a man to bother with a little job like the Governorship of New Jersey, and they hunted around for another name of overpowering magnitude. Whenever the Democratic party of New Jersey, sick, would pose as a saint, it has a habit of dragging Richard

V. Lindabury from his professional work to play the game of politics for it. That a lawyer of Mr. Lindabury's attainments and standing was a Democrat was one of the party's prides. To quote Lindabury's adherence to it was to give the party a clean bill of health. He had been recognized for a long time as a power behind the throne. He had shown what force of leadership there is in him when he organized and directed the overwhelming popular uprising that in 1894 drove the Jockey Legislature statesmen out of place and planted the anti-gambling clause in the State's Constitution.

But that was a moral upheaval. There was no politics in it. Mr. Lindabury had resisted all attempts to drag him into active politics, and just now he was busy forging ahead to the professional recognition that has since won him the position of chief counsel of the Steel Trust; and he had as little time as ex-President Cleveland had to be a Jersey Governor. Mr. Smith might have been devoted to Mr. Lindabury as a candidate if Mr. Lindabury had been complaisant. They had labored together to save the shipbuilding trust, when Mr. Smith became its receiver. But, then, Mr. Smith was really too busy in the National field to give much attention to smaller State affairs, and he left the other workers to do as they liked about the candidate for Governor. And the pre-convention gossip simmered down to Black.

Meanwhile Mr. Lindabury presided over the State Convention, held in June, for the choice of delegates to the National Convention. Ex-Senator Smith was named as one of the delegates-at-large. Davis of Hudson, Carrow of Camden and Cornish of Warren were the three others of the "Big Four." That convention fulminated against Roosevelt for his disregard of constitutional limitations; declared for tariff revision, the enforcement of the Sherman law against the trusts, and for the election of United States Senators by direct vote of the people. The Republicans, in a convention over which United States Senator Kean presided, picked Mr. Kean, Governor Murphy, United States Senator Dryden and David Baird, of Camden, as the State's delegates-at-large. After Roosevelt had been put in nomination for the Presidency, the New Jersey delegates pressed Governor Murphy for the chairmanship of the Republican National Committee,

and they were hopeful at one time that he might be selected. When there subsequently became doubt of it, Senator Kean was sent to the White House to labor with the President. It was supposed that, as he was a kinsman of Colonel Roosevelt's, the Senator could talk with him on the more intimate terms. When the Senator came away he presented the appearance of having been ruffled in the interview, and, a few days later, the selection of the secretive and pompadoured Cortelyou, who had got his name before the people by ostentatious bulletins over his signature as "Secretary to the President" concerning the condition of his dying chief, after the bullet of the assassin had laid McKinley low, was announced.

The Democratic gathering for the selection of a candidate for Governor against Stokes was the last of the four State Conventions of the year. State Committee Chairman Gourley rapped it to order, and put John R. Hardin, a noted Newark lawyer, in the chair as presiding officer. It was one of the briefest assemblages of its kind in the recent history of the party. Tax Commissioner Black was selected as the standard bearer by acclamation. Lindabury and Carrow were named as Presidential electors. The platform, drawn by Allan McDermott, arraigned the just-adjourned Republican Legislature for its "carnival of corruption"; the party for its fracture of every pledge for equal taxation—"it never gets beyond the appointment of a 'commission' to 'inquire,'" was its fling at Governor Murphy's Equal Tax Commission—and for an extravagance that had, in its last three years, run the current expenses of State, apart from interest on State bonds, up to $3,802,000 a year, as against the average of $1,789,000 with which the Democrats had maintained the State government during the last three years of their ascendancy.

The campaign between Stokes, posed by the Democrats as a railroad devotee, and Black, the presumed equal taxer, opened promisingly. But it lost its sparkle and vigor as Mr. Black went over the State in one of those "whirlwind campaigns" that were becoming too commonplace to be attractive. The whirlwind campaign was a new spectacle for the people when Abbett made the first excursion of the kind over the State. It had not lost its popular flavor when Griggs invoked it for his election some years later. But it had palled

on the popular fancy by the time Black came along to employ it. It had degenerated into a farce that amused far more than it impressed. Mr. Black seldom found a listener at the crossroads appointed for "meetings," and in default of an audience, he often hunted the lone farmhand in the nearby fields, and turning him into "an enthusiastic Democratic gathering," poured his rasping oratory into him.

The predicted Republican revolt against the strenuousness of Roosevelt's rule in national affairs was not disclosed in the vote in New Jersey on election day. His lead over Parker in the State exceeded 80,000. At the same time Parker had polled 20,000 more votes than Bryan had polled in 1900. Mr. Black succeeded in scoring 15,000 more votes than Parker. But Stokes, with the largest plurality ever given to a candidate for Governor, was more than 50,000 ahead of him.*

The victory of the Republicans was quite as marked in all other directions. They captured fourteen of the twenty-one seats in the State Senate, and forty-six of the sixty seats in the Assembly, in the 1905 Legislature. In Newark the Smith forces, having recovered the mastery of the Democratic County Committee, had forced his old enemy, Seymour, out of politics, and, nominating ex-Assemblyman W. H. F. Fiedler to succeed him, had helped to give the city a Republican Mayor.

Edward Casper Stokes, the fourth, now, in the new series of Republican Governors, seems never to have been able to reconcile himself to the misfortune of having been born in Philadelphia. All of his autobiographies apologize for his natal misadventure in warm protestations that, in spite of it, he is a thorough Jerseyman. He proved to be a dapper little man with a ready tongue to exploit a ready wit. His erudition gave rise to a story that he had been a schoolmaster at one period of his life; but he had, rather, the snappy air of a bank clerk, and, like Voorhees, he was a bachelor. He first came into the public life of the State as a member of the Assembly from Cumberland County. One of the very "dryest" spots in the State is his home town of Millville, and naturally enough the temperance question was the first one to engage him

*The New Jersey vote was: For President—Roosevelt, 245,164; Parker, 164,508. For Governor—Stokes, 231,363; Black, 179,719.

in his State career. An oration with which he surprised the Assembly galleries at one of the evening sittings in the session of 1891 lifted him into the front rank as a public speaker, and he now enjoys the reputation of being one of the most finished orators of recent statesmen. He writes as fluently and gracefully as he speaks, and his state papers are literary models. His talents commanded easy recognition among the people, and as Assemblyman and Senator he had exerted a marked influence on the destinies of the State, which was not diminished by his work in the Executive Department whose chief he now became.

CHAPTER XXII

MONEYLESS CAMPAIGN FOR SENATOR

Colonel Stevens, of Hoboken, Makes Unique Canvass to Succeed Kean at Washington, but the Senator Easily Achieves a Reëlection.

Mr. Stokes came into the Governorship with no idea of making the chair of state the climax of his political endeavors. He appreciated the dignity of his state position—was even proud to be a Governor; but he never took his eye off the United States Senate, where, he was convinced, his fine gifts of oratory would bring him into large national repute. Even now the vacancy in that greatest of the world's legislative bodies which the Legislature (1905) that had inaugurated him as Governor was to fill, was a lure, and he listened, with encouraging smiles, to the mingling, in the gossip of the hour, of his name as that of Senator Kean's possible successor.

There was, of course, that clause in the State Constitution, "nor shall he be elected by the Legislature to any office under the government of this State or of the United States during the term for which he shall have been elected," that seemed to bar the consideration of his name. He had sworn to obey the Constitution containing this prohibitory clause; but the direction was rather to the Legislature. The same document, in the same clause, seemed even to contemplate the possibility of a Governor's acceptance of other functions, in the proviso that "in case the Governor . . . shall accept any office under the United States or this State, his office of Governor shall thereupon become vacant."

Thus it was the Legislature that seemed barred from offering the coveted distinction—not he that was barred from accepting it; and plausible arguments could be offered for its disregard of the prohibitive provision. The United States Constitution itself fixes the qualifications of a Senator. He must be thirty years of age, for nine years a citizen of the

United States, and when elected, an inhabitant of the State. And, beyond that, makes the Senate itself the judge of the election return and qualifications of its members. Governor Stokes met all the constitutional requirements. The right of a State to add to these qualifications the other—that he shall be a Governor without an unexpired term of service to fill out—might well be challenged.

And if the Legislature should break through the restriction to send its most fitted citizen to the Senate, there were precedents for his admission to the seat in Washington upon the presentation of his commission. Precisely the same question his election would ask had been involved when Lyman Trumbull, of Illinois, in 1855, and when Senator Faulkner, of West Virginia, in 1887, presented their credentials to the Senate. In both cases the statesmen in Washington had taken the view that the prohibitory clauses of the State Constitutions were arrogant attempts on the part of the States to add new qualifications, and an invasion of the Senate's right to judge of the qualifications of its members. And both had been admitted to the seats to which they had been chosen.

In spite of this ingenious presentation of the case in the Governor's behalf, his canvass for the place never went beyond the discussion of its possibility. John Kean, the outgoing Senator, had approved himself to the party during the six years he had served the State in Washington, and his renomination was unanimously agreed upon in the joint caucus, over which Senator Bradley presided. "By a sort of mental telepathy you know whom I am going to name," said Senator Cross, of Union, when he rose to make formal presentation of Mr. Kean's candidacy, "and by the same process I know whom you think I ought to name." Mr. Kean's was the only name before the gathering.

The Democratic canvass for the national distinction had been livened, months before, by the unique campaign Edwin A. Stevens had made for it. Mr. Stevens was the head of the family at Castle Point, in Hoboken, which had long been famous in the scientific and social world. The famous Stevens Battery, a gigantic ship of war, was built by Colonel Stevens's father. The Stevens Institute of Technology was his gift to the cause of education. Colonel Stevens was himself an in-

ventor of practical genius, and besides being a leader in the world of society, ranked high in the Episcopal Church. For years he had been the treasurer of the Newark Diocese.

Though a man of large means, he was one of the most approachable and democratic of men, and he conceived the novelty of making a moneyless canvass for election to the United States Senate. This plan of campaign was in marked contrast with the rumored purchase of States in the United States Senate by millionaires,—a practice which was at that time being publicly denounced everywhere; and the development of Mr. Stevens's plan of reaching the Senate without the expenditure of a dollar attracted nation-wide attention. Ex-Senator Smith, of Newark, who hoped to win the favor of the Democratic joint caucus, called Colonel Stevens's campaign "a joke." But when the caucus met he found that about all the Democratic members there were in the Legislature were from Hudson, and, with "Bob" Davis's consent, they were all for the Hudson aspirant. Assemblyman Hamill, the young orator of the House, put Mr. Stevens's name before the caucus, and the Hudson vote for him overwhelmed the two that were cast for Mr. Smith by members from other counties.

When the houses voted separately the next day, Coyne, of Essex, nominated Senator Kean, and Hamill eulogized Stevens. In the Senate Mr. Kean's name was proposed by Senator Bradley; Colonel Stevens's by Senator Minturn. Each branch gave its vote to Mr. Kean—the Assembly by 43 to 12, the Senate by 14 to 6. The joint meeting for the formal promulgation of Mr. Kean's election for the new six-year term was delayed the next day by a blizzard that hid the State under a blanket of snow, but the faithful servitors of the party set the clock back to the hour appointed for the meeting, and kept it set there till the storm-bound lawmakers reached their seats quite late in the evening.

CHAPTER XXIII

LIMITED FRANCHISE GENESIS

Senator Kean's Reëlection Followed by a Big Noise Over Trolley Concessions—Agitation Started in Jersey City Picked Up by Everett Colby and His Newark Band of Reformers—Lentz Meets Waterloo in Essex.

The administration, thus begun along conventional lines, sailed into a tempestuous sea the first year of its existence. Mayor Fagan's attack upon the trolley interests, and his letter to Governor Murphy, were producing far-reaching effects. They had estranged Colonel Dickinson, to whom Murphy had given the office of Secretary of State, and who was also hand-in-glove with the trolley interests. The Colonel and he were no longer on speaking terms. Feeling ran so high between them that Fagan ran the risk of offending the Republicanism of the county by refusing to review the annual parade of the Dickinson Association, to which all Republicans belonged. Dickinson had made it known, in his lurid English, that Fagan's political course was run.

It was the part of good politics for Fagan to battle the Dickinson machine with one of his own, and Record was showing him how to turn the officialism of the city into one no one could beat, and incidentally exploding bombshells in the camp of the regulars. It was said that Fagan swore every man whom he allowed to step into a city office to fealty, and took his undated resignation to spring on him the moment he faltered. The Dickinson machine trembled under the blows an enormous force of city employees showered upon it, and in the sequel he was unhorsed. The completeness of his fall was emphasized when, years afterward, at the behest of the Record-Fagan element, the Hudson County Republican Committee refused to ratify the Republican nomination for President of the United States.

For the present, however, Dickinson succeeded in keeping

his hand on the lever, and in the fall of the first year of Governor Stokes's term he even named the twelve Assemblymen who served Democratic Hudson in the Legislature of 1906. Before the close of the session of that year, however, these personal appointees of Dickinson were forced, by the current of Fagan sentiment in Jersey City, to take sides against him. Bierck and Berg even openly allied themselves with the anti-Dickinson forces.

Meanwhile the seeds of discord which had been sown in Essex County were also bearing abundant fruit. The revolt against the leather-lunged domination of Boss Lentz had grown into a whirlwind. Lentz had had the temerity, in 1902, to offer himself as the party candidate for Sheriff, in the teeth of the gathering storm. The Republicans of the county had resented his audacity by picking him out, the only one on the county ticket, for a stinging and overwhelming defeat. That repudiation of the noisy boss encouraged Assemblyman Everett Colby to reach out for the reins of local power. Mr. Colby was a somewhat ponderous personality, but he had a lot of money, and lived in the aristocratic reservation at Llewellyn Park amid a colony of influential Republicans, who were eager for political honors with which Lentz had not deemed it safe to trust them; they were likely to be too unsubmissive. Austen Colgate, head of the Colgate Soap Company, and William Fellowes Morgan and William P. Martin were among them.

Colby had his revenges to work as well as his ambitions to gratify. He had aspired to the Speakership of the House of Assembly, and Lentz had held the Essex delegation from his support, and so defeated his efforts to reach the dais. He had a score of the same kind to settle with Senator Dryden, too. The Senator had also refused to aid him to attain the Speaker's chair, and Colby set to himself the task of turning the Essex delegation against Mr. Dryden in the Legislature of 1907 that was to elect a new United States Senator.

To that end Colby had concluded to himself seek the State Senatorship of Essex County, and to elect Colby men to the House of Assembly in the campaign of 1905. With a three years' term in the State Senate, he could be on hand in 1907 to vote against Dryden. If his Assembly ticket were elected to

the Legislature of 1906, party usage would entitle them to a reëlection to the Senatorial Legislature of the year following. Thus, if the plan could be carried through, Senator Dryden would be bereft of home support when the time came for his reëlection to the big chair in Washington.

Mr. Colby yet needed an issue to vivify his candidacies, and he looked with covetous eyes on those which Fagan had sprouted in Jersey City. He could not hope to do much with Fagan's Equal Tax specialty. There was not much railroad property in Essex, consequently little ground for an anti-railroad agitation there. But Fagan had sprung a limited franchise cry on the trolley companies that might be utilized in Essex. The Public Service Corporation, which controlled the trolley system of the State, was seeking franchises in Essex as well as in Hudson, and what was good for clamor in Fagan's bailiwick was also available and workable in the Colby dominion.

It was opportune that Fagan was, just at that time, involved in a warm and showy controversy with the Public Service Corporation over a franchise for a line into the Lafayette section of Jersey City. Lafayette used to be a little town by itself, adjoining Jersey City on the south. Along with Hudson and Bergen cities, it had been absorbed into Jersey City in 1871. At that time it was little more than a single wide thoroughfare, lined with unpretentious brick houses and a few scattering houses in the surrounding locality. Extending for miles on either side of the main thoroughfare there were vast expanses of territory fitted for home building. Only easy access to them was needed to erect on them the city the service of the trolley companies has since founded there.

Jersey City had done nothing for the development of this attractive suburb, and when the trolley corporation sought the right to extend its lines for its upbuilding, the people of the locality were impatient to have it granted all the facilities it sought. But the trolley company was the object of Fagan's attacks, and he stood in the way with a haggle about the terms of the franchise. The company sought a perpetual one. The Mayor would not consent to a grant covering more than twenty-five years of time. The company protested that it could not sell bonds based on so brief a tenure. But the Mayor's figh

was with the company. He was for "the people" against the aggressions of these utilities that were doing for the people, and he cared little whether it could sell its bonds or not.

Colby saw what a mighty champion of the people Fagan's limited franchise stand was making of the Mayor; he caught up the Fagan refrain and began to sing it to the folks in Essex. The New England Society of the Oranges was his first theatre for its home exploitation. A local press looking for a line of agitation of its own took up the cry, and an alliance with the Fagan-Record forces was the result. Record and Colby became the two Dromios of Jersey politics. They were close as peas in a pod. Record was widely credited with furnishing the brains, and Colby the money, for the combination.

The limited franchise specialty had peculiar attractions for the Essex statesman. The trolley company's extensions, for the development of the State, forced it to ask for much legislation needed to remove the obstructions of laws that had been made at times when electric flyers were not known to the economy of traffic. It had come to be recognized as a force in Trenton. It found its financial backing largely in Mr. Dryden's Prudential Insurance Company, and the string of money institutions with which the Prudential was necessarily associated. Thus a blow at the trolley concern was a blow at a Dryden ally. The limited franchise agitation must unavoidably find its reflex in the campaign for a second term in the United States Senate, upon which, it was an open secret, Mr. Dryden was preparing to enter.

Colby was in the Assembly when this adventitious issue came to him ready-made from the trans-Passaic locality, and one day in the session of 1905 he precipitated a concurrent resolution declaring it to be the sense of the Senate and General Assembly of New Jersey that all franchises granted in perpetuity to public utility corporations were wrong in principle. Duffield modified it so as to carry the idea that it was wrong to grant them recklessly. And Colby, determined to emphasize the issue more forcibly, flung into the Assembly a bill forbidding the grant of perpetual franchises. The hearing accorded to the bill by the House committee drew a great throng of anti-corporation pleaders. Fagan and Record were in the crowd, and ex-Mayor Peter Bonnett, of Elizabeth; Mayor

Conwell of Vineland, Frederick W. Kelsey, as the spokesman of the New England Society, of Orange, which the Colby influence had previously induced to declare for the principle, and Mayor Applegate, of Red Bank, were among the others.

Duffield countered on the Colby bill with another providing for the appointment by the Governor of a commission to consider the subject and report to a subsequent Legislature. The Duffield suggestion appealed to the houses, and the commission named advised a thirty-three-year limit on franchises unless a popular vote authorized the extension to sixty-six years. These excitements formed the basis for the organization of the Colby Limited Franchise and Equal Taxation League in 1905. Its charter members, so to speak, were William Parmenter Martin, a young lawyer of fine mental equipment and tremendous energy; John S. Gibson, John F. Monteith, ex-Speaker Benjamin F. Jones, Frank H. Sommer, William Mungle, R. Arthur Heller, Alden Freeman, Austen Colgate, Russell M. Everett, William Fellowes Morgan, Henry C. Hines, Starr J. Murphy, Lathrop J. Anderson, Harrison Van Duyne, and Chandler W. Riker.

This organization, however, post-dated a tremendous battle between the Colby and the Lentz forces for the State Senatorial and Assembly nominations in the Essex County primaries. In spite of Lentz's growing disfavor in the party in the county, he still had control of the county committee, and it looked as if so powerful a local machine must make him invincible to the attack of a band of novices in politics only loosely organized. But Record went from Hudson into Essex to show Colby how to carry on his campaign. The Colby wing named Colby for Senator, and a full ticket for Assembly, including the names of Martin, Morgan, Colgate, and Hines, and a complete county ticket, with Frank N. Sommer, a dashing Newark lawyer, at its head as the candidate for Sheriff.

Lentz went on the stump in defense of his rule. He charged that Colby, so far from being a champion of the people, was one of the Standard Oil syndicate. He quoted a bill Colby had introduced into the Assembly for the admitted benefit of the Oil Trust, and pointed out that Starr J. Murphy, one of Colby's chief sponsors, was the personal counsel of John D.

Rockefeller. The Mayor even shook his armless coat sleeve under the eyes of his hearers, in appeals to them to come to the rescue of the old veteran of the Civil War. But neither charge on Colby nor appeal for sympathy availed. The Colby forces swept the primaries. Colby was named for the Senate, the twelve Colby candidates were named for Assembly. And on election day they scored a more magnificent triumph at the polls. They put Sommer in the Sheriff's office, and carried the whole legislative ticket. Their triumph could not have been more complete.

But the splendor of their victory did not unhorse Lentz. In their eagerness to capture the legislative delegation, they had given small attention to the canvass for seats in the County Committee, and the men elected at the legislative poll reëlected Lentz to the committee chairmanship over Colby's man, Lathrop Anderson. The Major was yet in position to save Senator Dryden's home county for him. He could not give Mr. Dryden the vote of the State Senator (Colby was in the Senate for three years); but he might, by defeating them in the 1906 campaign, with the aid of his county committee, make yearlings of Mr. Colby's Assembly colts, and send twelve Dryden votes from Essex to the Assembly of 1907.

In Hudson County Record and Fagan had gone into the primaries to battle against Boss Dickinson for another Hudson Assembly delegation of twelve of their own choosing. But Dickinson, who had been too shrewd to operate under the Murphy primary law, had an obsequious body of committeemen at his command to steal the primaries for his twelve Assembly candidates, and Record lost his battle. The anti-Dickinson, anti-monopoly sentiment was, however, so rampant in Hudson County, that Dickinson's array of Assemblymen weakened under it, and in the Legislature they were more or less the allies of the Colby contingent. From Passaic, too, Marelli, an anti-boss agitator, had drawn two or three legislative allies, and in spite of the overwhelming vote credited to the Republican party in the two houses,* its managers found

* The Senate stood 17 Republicans, 4 Democrats. The Assembly stood 56 Republicans, 3 Democrats, 1 Independent.

themselves confronted with a new element of sufficient strength to force concessions.

The triumphant "New Idea" men, as they called themselves, went to Trenton at the opening of the Legislature of 1906, prepared to fight for control. Colby was the only one of their cult in the Senate, and there was no use of his standing alone in opposition to the election of Bradley, of Camden, whom the party managers had slated for President. But the Essex and Passaic men went into the Assembly caucus with knives sharpened for Samuel K. Robbins, of Burlington, whom the Board of Party Guardians had picked for the Speakership. Martin made a brave fight to displace him with his Essex colleague, Colonel Austen Colgate. To his joy and surprise, Dickinson's contingent from Hudson flocked to his aid. Marelli cast his vote with him, too. But they were only twenty-five of the fifty-six. The thirty-one others overbore them, and Robbins sat on the Speaker's dais.

The session began with a bombardment of the corporations and the big business combinations. There were ten equal tax bills aimed at the treasuries of the railroad companies. Martin's limited franchise bill was supplemented with two others. Martin wanted to keep the trolley and other railroad lobbyists off the floor, and he tried to have the rules changed so that the corporations could not smother his bills in committees. A repealer of the Hillery maximum tax rate law of 1905 was put on the files, and Minturn joined in the anti-corporation crusade with a bill attacking the Standard Oil Company. The strife between the two elements in the party filled the session with sensational incidents. The flash of the impact when Randolph Perkins, the party leader on the House floor, and the aggressive, uncompromising, dogged Martin came together for a measure of strength lighted the whole State, and Record, whom all regarded as the firebrand of the rebels, was under endless fire by the Old Guard. Scovel openly accused him of having a pecuniary interest in the water contract in Jersey City, and Dickinson opened batteries on him with a resolution, offered by one of his minions, calling for a scrutiny of Record's relations to the riparian property of the State while he was acting as counsel for the State Riparian Board.

Amid it all, Governor Stokes found it no easy task to hold the Legislature to the lines the "Old Guard" had marked for him. He was not swept away by the pressure of the new spirit of the times, but he yielded to it more probably than he contemplated when, in his annual message to the Legislature, he advised it to get in step with the progressive music of the hour.

CHAPTER XXIV

$3,000,000 MORE FROM THE RAILROADS

The Perkins Bill Remodels the System for Their Taxation, and, even with Counteracting Legislation that Immediately Followed it, has Provided a New Harvest for the State Treasury.

Governor Stokes's ambition to make, in the Governorship, a shining record that would promote his United States Senatorship plans made him peculiarly sensitive to the excitements Fagan, Colby and the rest were creating. It was the part of a good politician to pick, from the medley of new things that had been thrust on the public gaze, the one that commanded the largest favor and push it to visible results. Black's candidacy against him with an equal tax plea, and the campaign concessions he had been obliged to make, had pointed that out as the matter needing first attention. The issue was not the one he would probably have selected if he had been entirely free to make the choice. If the railroads were not satisfied with the existing status, they were eager at any rate not to have it made less endurable. And Stokes's appointment of James B. Dill, the framer of the corporation laws that were being strongly denounced all over the country, to a seat on the Bench of the State Court of Errors and Appeals, and the naming of Robert H. McCarter to succeed Thomas N. McCarter as Attorney General were being widely quoted as evidence that the Governor was not entirely out of sympathy with the corporations. Thomas N. McCarter had just formed a highly capitalized syndicate that was fast absorbing all the electric motor, lighting and power plants in the State in the Public Service Corporation, and had been made its president.

The appointments led the Fagan-Record people in Jersey City, and the Colby League in Essex County, to felicitate themselves that, in the selection of the equal tax problem as the particular one for legislative treatment during his term, the Gov-

ernor must have been swept away by the tide of public sentiment they had aroused—a tribute to their growing importance and influence in State affairs that gave promise of achievements later on. The new system of railroad taxation the Legislatures of 1905 and 1906 established, presumably under his guidance, has, on the other hand, been quoted as indicating that he may rather have plunged into the swim to stem the tide for the corporations—that he may have gone to the helm to save for them what he could from the deluge they and he saw ahead. The intricacies of the problems to be solved afforded exceptional opportunities for befogging the public mind. It is sometimes easy to fix things one way, and yet make plausible explanations that would deceive the only half-informed people into the belief that they had been fixed just the other way.

But Record and Fagan, Colby and Martin were on hand to keep the popular mind acute as to all the varying phases of the railroad problem. It was a complicated one, too. Only the railroad holdings that were rented out were subject to the full local tax for the benefit of the local taxing districts. A second class, used for railroad purposes, outside of main-stem lands were subject to a reduced rate of taxation for local uses. Upon the main-stem lands the State levied a half of one per cent tax for the maintenance of the State government. And a provision of the law that empowered the State Board of Assessors to fix the values enabled the railroads, through their control of the Assessors, to practically write their own tax bills.

The main stem, subject to the modest tax for State uses, was supposed to be the 100-foot roadway over which the trains of the companies coursed. The complaisant Assessors, with powers conferred by partial Legislatures, had gathered, under the "main stem" head, subject to the trifling tax, all the collateral railroad beds, the sidings, depots, stations, elevators, freight houses and yards. That withdrew ratables of enormous value from the local resources, put the taxes realized from them into the State Treasury, and so avoided a general tax for the support of the State government. The bulk of the great railroad properties are at the terminals on the river front at Jersey City, Weehawken, Hoboken, and Bayonne—all in Hudson

County; and thus Hudson was paying most of the money for the maintenance of the State. The twenty other counties were glad to escape a State tax at Hudson's expense, and their Senators and Assemblymen readily aided the railroads to escape the larger tax their properties would have paid, if assessed at local rates for local purposes.

The New Idea agitators in Hudson and in Essex, where, next to Hudson, the largest railroad holdings lie, protested against a system through which the railroads practically bribed the State to cheat the Hudson taxpayers, and were able to do it all the more easily because the Legislatures were Republican, and Hudson County, the chief sufferer from the discrimination, was a stronghold of the Democrats. Record and Fagan, determined to end the injustice, began to push for the law imposing the full local tax rate, and devoting the proceeds to local uses. They realized that if all the money that could be collected from their possessions there could be corralled for the local treasury, the taxpayers, on the one hand, would be pleased with decreased tax bills, and there would, on the other hand, be a new abundance of budget money to be divided among the Record and Fagan placemen. And when it was urged that the withdrawal of the funds from State uses would mean heavier burdens for the householders of the twenty other counties to bear, the answer came back that the Commonwealth had come into possession of so princely an income from other sources that she could afford to be fair at least to the Hudson River communities that had been imposed upon for so many years.

The echo of the Stokes-Black campaign controversies over the problem thus briefly outlined was reawakened by a divided report on the eve of the 1905 legislative session, from the commission which Mayor Fagan's letter to Governor Murphy had frightened the Republican managers into appointing at the close of the Legislature of 1904. Ex-Governor Werts, Major Lentz, and Henry J. West, the majority of the commission, advised the assessment of the main stems of the roads as units for State purposes. Chandler W. Riker, in one minority report, thought the main-stem lands should be assessed separately at the figures at which adjoining lands were assessed, and pay at the local rate to the localities. Black, in a second

RANDOLPH PERKINS

Whose Railroad Tax Bill added some millions to the public revenue

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minority report, reached the conclusion that the main stem should be assessed as a unit, and the moneys divided among the localities pro rata, and that the rolling stock and like personal properties of the corporations should be included in the second-class properties.

The difference of view these reports reflected produced a big crop of equal tax bills, embracing one scheme or the other, that found their way into the Legislature as soon as it convened. The Republicans were in comfortable control of both houses. Avis, of Cumberland, sat in the Speaker's chair for the second year; Cross, of Union, presided over the Senate. Duffield, of Essex, the floor leader in the House, succeeded in pushing his bill in advance of the others. It enlarged the classifications of second-class properties subject to the local tax rate, and after Hamill had made an ineffectual effort by amendment to bring it more closely to the equal tax line, it passed the House without a dissenting voice. It was quickly sent to the Senate and as quickly passed thence to Governor Stokes's hand for the approval every one knew it was to receive.

The railroads had anticipated the passage of a bill of this tenor by another, offered by Hillery, of Morris, compelling the local taxing districts to keep their tax rates down below $1.60 on the $100. That policy was to offset in the rate the new income the localities were expecting from the enlargement of the second-class locally taxable ratables, and after the act had been rushed to the statute books, the clamor against it was so loud that Assemblyman Martin's repealer sprang into enormous popularity. It was so savagely criticised that Governor Stokes deemed it necessary to write one of his smart state papers in its defense, and Senator Hillery himself was forced to bend to the storm by meeting the repealer with a new act increasing the maximum local rate to $2 per $100, with a five-cent reduction each year till $1.75 was reached, to be stationary.

The local taxing officials felt the pinch of the annual scaling down so badly that they joined in Martin's demand for the repealer. Even their apprehensions of serious financial embarrassments for their several communities could not move the Legislature, particularly the Senate, to give ear to their appeals, and in spite of all the attacks upon it, the maximum

tax rate law, as finally put in shape by Hillery, is one of the conditions by which taxing officials everywhere are yet required to square their levies.

The Colby-Fagan-Record-Marelli "New Idea" element had hoped to put Assemblyman Martin, of Essex, in command of the Republican forces in the House of 1906 for the conduct of the new equal tax campaign that every one realized was to open there. Mr. Martin had made a study of the railroad tax question. He was keen-minded, keen-tongued, and a born fighter for the things he believed in. The combination was, however, overborne in the caucus, and the "Old Guard" majority put young Randolph Perkins, of Union County, at the post of honor in the Assembly chamber.

Perkins had come into the legislative arena in 1905 by one of those seemingly inscrutable twists of fortune that are really Providence working, when it makes a crisis, to provide the man to meet it. On the eve of the assembling of the Legislature of that year (1905), Decker, the member-elect from Sussex, and Embree, one of the elect in Union, had gone the way of all flesh. The Republicans had such an overwhelming majority left in the Assembly that party necessity did not dictate the filling of the vacancies, and the people of both counties protested that there could be no excuse for the expenditure of the thousands of dollars special elections would involve. Union County was rich and could stand the outlay; but Sussex's plea that she was already on the edge of bankruptcy was a pathetic protest against the cost.

The party managers had about concluded to leave the two seats vacant when they were reminded of a clause in the State Constitution commanding the Legislature, when there were vacancies, to issue precepts for special elections. The House had therefore no alternative but to order the choice of new men. Joseph Coult, Jr., whom the Republicans nominated for the Sussex vacancy, and Lewis S. Iliff, his Democratic rival, both declined to run a day or two before the election was due, and the county was saved the expense. In Union the Republicans picked Perkins, then Mayor of Westfield, as their candidate. The Democrats, realizing that their nominee was foredoomed to defeat, abstained from naming any one against him,

and Mr. Perkins took his seat in the Assembly by the unanimous vote of his people.

Mr. Perkins's service in the Legislature of that year revealed him as a man of parts, exceptionally qualified for public work, a born leader and a ready and forceful debater, and he had in his one term so commended himself to the favor of his fellow-lawmakers that, when they found him among them again, in the Legislature of 1906, they picked him as Martin's rival in the strife between the factions for the party leadership on the Assembly floor. When, almost as soon as the new House had been called to order, he sent to the Clerk's desk, as Assembly Bill No. 1, an act concerning the taxation of railroads, it was realized at once that its treatment was to be the feature of the winter's work, and it soon became apparent that the power and force of the State administration was to be exerted in its behalf. It embraced the Governor's suggestions of an average tax rate applied to main-stem properties. The average was to be ascertained by the State Board of Assessors; the act instructed the board to divide the total of the local tax budgets all over the State by the total of the ratables in the State. The average rate so computed was a large increase in the rate at which main-stem taxes had been calculated. But the more radical clause of the bill was that which redefined the main-stem properties. It practically left only the roadbeds of the companies for the average rate tax. Their stations, freight houses, yards, cars, etc., were excluded from the main-stem classifications, and held for local taxation for local uses. The distribution of the funds derived from main-stem tax was to be provided for in another bill. For the rest, the act taxed the franchises of the roads for State uses. The taxation of these classes of railroad properties had been provided for in the Duffield second-class property act of 1905, and the general tax law of 1884, with the amendments made to it from time to time.

When the act reached the floor for second reading a doubt of the stability of the Duffield act of 1905 had arisen, and to meet the possibility that there might be no law for the taxation of second-class property, Martin swung parts of his own tax bill covering that point into the Perkins act. Every one of the half dozen or more members who had introduced "equal

tax" bills endeavored to have his substituted for the leader's act; but the House gave its vote unanimously to it. By the time it had reached the Senate it dawned on the legislative mind that, if the Duffield act were unconstitutional, the Martin amendment, framed along the same line, might make the new tax law also unconstitutional, and Attorney General R. H. McCarter, whose opinion was sought, was inclined to the view that it would have just that effect. This notion grew into so firm a conviction that it was finally decided to detach Martin's amendment. To do that, it became necessary for Leader Perkins to have the bill reënacted in the House and Senate. Senators Ackerman, Wakelee, and Bradley threw cold water upon it, and when it had swung clear of all vicissitudes, and was before the Senate for final action, Colby and Minturn obstructed its passage by moving that bills they had themselves offered be substituted for it. The acceptance of the offer of either would have created a deadlock between the two houses and probably have defeated all legislation along that line for the winter. When face to face with the roll-call record that the people must be sure to study, opposition vanished as the sun-chased dew, and the vote for its enactment was unanimous. Governor Stokes signed it almost as soon as it reached him.

This, however, was only one end of the taxing scheme Perkins had in contemplation. The acts thus far passed merely provided the revenue; the new revenue was yet to be distributed. His companion bill directed that, except the half of one per cent which the State had been retaining for general State expenses, the receipts from the tax on first-class properties should be devoted to the maintenance of the schools. Their distribution among the school districts, on the basis of relative value of the railroad property in each, was equivalent to a gift to the taxpayers of so much toward the payment of the $21,000,000 the schools were costing them. It meant an appreciable reduction of their tax bills. New Jersey is particularly proud of her school service; the devotion of the new income to the education of the children was calculated to make the new railroad tax bill enormously popular. Shinn, of Ocean, was the only statesman in either house who voted against the Perkins bill providing for it.

That the power of setting the tax values of the railroad pos-

sessions still resided with the State Board of Assessors was regarded as the inherent weakness of the new plan for their taxation. The State Board was originally created by Governor Abbett in 1884, and selected with a view to making Abbett's railroad laws effective, and those who made it up had no railroad prepossessions, but it was not many years before the railroads had filled it with men more in sympathy with the corporations. For years before the Perkins bills were passed the board had been looked upon as a hidebound railroad body. Philip Lowy, for many years the chief of the Newark tax department, told one of the recent Legislatures that, in all the many years of his service, his estimate of the value of mainstem properties in Newark had never once been asked by the State Board. The Hahn Committee, that in 1907 made a scoop-net inquiry into State affairs, reported to the Legislature that, in the twenty-three years of their existence, the State Assessors had advanced the taxable values of railroad properties only two per cent. Revelations of this character emphasized the public belief that the State Board allowed the companies to make up their own assessments, and consequently fix the amounts of their tax bills themselves.

At the same time, the larger rates fixed by the Perkins laws, when applied even to the fixed values at which the State Board of Assessors was appraising their holdings, meant much larger tax bills for the corporations, and they set to work to counteract it. The session was to continue but a few days after the Perkins law had gone through, and they had to move quickly. The enormous increases in assessments laid against railroad properties in Jersey City by the Fagan and Record anti-monopoly agitators, had already driven the railroads in 1905 to set up a State Board for the Equalization of Taxes, to cut down as fast as the local officials jacked up. The first public service that board rendered was the discovery that the average rate at which the holdings of small owners throughout the State were appraised for tax purposes was only about sixty per cent of the real value, and through a bill it induced Avis to offer it sought authority to reduce railroad assessments to the sixty per cent ratio of value. The suggestion was in such flagrant disregard of the constitutional direction that "all property

shall be assessed at real value" that the Legislature had not the temerity to consider it.

Defeated in this attempt to cut down the assessments upon the great railroad areas in Jersey City, the Equalization Board ordered Mayor Fagan's tax assessors to make an entire revaluation of individual properties in the city. The insistment was that, as they had put full value on the railroads, they should put full value on the smaller holdings. An order so manifestly in the interest of lower tax bills for the companies was seized by Fagan and Record for a shining gallery play in favor of the long-suffering taxpayers of the city. They refused to pay heed to the Equalization Board's order, and played their rôle as the champions of the people with such noisy energy and such faultless skill that the order grew feeble in the din it aroused—and feebler and feebler still, till the "equalizers" forgot to say anything more about it.

As if the safeguard of a board so undisguisedly at the beck of the railroads were not enough, Senator Avis became sponsor for an act creating a Tax Appeal Board in each county. They were to be known as County Tax Boards, and the Governor was to name three men for each. Assemblyman Martin guessed right away that the railroads expected the Governor to pack these new boards with railroad sympathizers, who would hammer down the railroad assessments and inflate the individual assessments to the limits, and he made a stubborn fight against its enactment at every stage of its progress. But there was steam behind it, and it went through both houses in the expiring hours of the session.

The entire system, as it was perfected under Stoke's administration, was so fiercely criticised as having been shapen by the railroads that in his farewell message to the Legislature the Governor felt called upon to defend and attempt to justify it. With the State Board of Assessors to keep down the railroad valuations, and the County Tax Boards and State Equalization Board to reduce them, and the Hillery tax law limiting the rate, there was fear that the larger income the Perkins bills had seemed to assure to the State and to the communities was to be lost after all. The event did not wholly justify their apprehensions, but they were so generally prevalent that the Governor deemed it wise to make a special plea for the

legislation he had signed. He was constrained to confess, nevertheless, that the tax bills of the small property owners had been increased in sixteen of the twenty-one counties as the result of his legislation. In his inaugural address a few days later Governor Fort openly charged that the County Tax Boards had been created for self-evident railroad service.

"By increasing the individual property values, they have so reduced the average rate," he explained, "that the railroad tax bills have been noticeably reduced. In 1906 the railroads paid $3,503,529 taxes on a valation of $194,532,469. In 1907, on a valuation five millions larger, they paid only $3,257,126—more than $247,000 less." Fort pledged his administration to a repeal of the law creating the boards; but though he never let a session of his three-year term pass without renewing his demand for their abolition, he never succeeded in redeeming the pledge. Martin, of Essex, was particularly active in aiming extinction bills at them; but they were all defeated. The railroads were helped in the struggle for their retention by the local political influences that surrounded the well-paid board members. Mayor Wittpenn, of Jersey City, who had posed as wielding the cudgels of Fagan, his predecessor, upon the corporations, was among those who appeared before the Legislature of 1910 to oppose interference with these supernumerary boards. Nor even when the Democrats reached power in the later days of Woodrow Wilson with the pledge to wipe out the boards as the most popular of their party platform planks, was their abolition undertaken.

With the disclosure of the Hahn investigating committee report that the State Tax Board had increased the railroad valuations only two per cent in twenty-three years fresh in his mind, Assemblyman Martin was relentless in his demands for a revaluation, and the direct result of his effort to have a revaluation clause inserted in the public utility bill that hung fire for three years during Governor Fort's administration was the passage of an act that took the appraisals out of the State Assessors for a time. As a sort of compromise, Assemblyman Smalley, of Somerset, introduced into the House of 1909 an act authorizing the Governor to appoint commissions to make the new appraisal. It worried through, and Governor Fort appointed Samuel Whinery, of East Orange;

Charles Hansel, of Cranford, and Frank Stivers, of Jersey City. They were a high-priced aggregation. The job was so remunerative a one that they had made little progress when the Legislature of 1910, to which they were expected to report, convened. Instead of laying their completed work before the two houses, they walked in with a demand for more time, and, of course, more money. The Legislature fell upon them with charges of having "nursed their job," and incontinently dismissed them. The function they had been selected to perform was put back in the hands of the State Assessors. But the act authorizing it contained a proviso that one of the three ex-commissioners should be retained for the supervision of the work. The Legislature had Mr. Hansel, who had proved his competency for the work, in eye at the time, and he was employed by the State Assessors. The report of the State Board for 1911, consisting at the time of Charles E. Hendrickson, George E. Halsey, George L. Record, and Isaac Barber, pays high tribute to Mr. Hansel's efficiency. Prepared for the commission by Irvine E. Maguire, for many years its secretary, the report notes that the new valuation shows an increase in the appraisal of property used for railroad and canal purposes to the extent of $37,994,664, and an increase in tax on the corporations of $836,005.96. The new appraisal fixed the value of main stems at $140,718,350; of franchises at $35,346,622; of tangible personal property used in State commerce at $52,585,705, and of real estate used for railroad purposes other than main stem at $95,890,440.

The railroads resisted the $38,000,000 increase in the ratables, and in the course of the proceedings Edlow W. Harrison, the State's chief engineer for years and regarded as one of the foremost experts on railroad values in the country, injected a bit of history into an ingenious explanation that the methods the State Board had pursued, away back in 1884, in fixing values rather at what was wanted than at what was fair, probably put such extravagant values on railroad property that the State Assessors may have been justified in advancing them only two per cent in twenty-three years. The State Board came into existence as the result of Governor Abbett's raid in the early eighties of last century, upon the "irrepealable contracts" with the State under which the companies had claimed,

and up to then enjoyed, exemption from taxation. It was the destruction of those contracts, as the result of Abbett's determined assault upon them that has since made it possible for the State to wring from the railroads the great checks they contribute yearly toward her household expenses. Before the Abbett act of 1884 was passed, all the State had been receiving from the Pennsylvania Railroad Company was $298,000 a year for "transit fees." The tax system to which Abbett forced the companies to yield brought the State $1,390,000 and upward from that company in 1911.

The 1884 tax act created the State Board of Assessors to collect from the companies the annual toll the law of that year enacted. The first step in that direction was, of course, the ascertainment of the values of their properties, and to be in readiness to make the first year's tax collections under it, the valuation work had to be done speedily. Engineer Harrison was instructed to organize a field staff to assess the corporations. New Jersey was among the very first States in the country to put the railroads under assessment, and there were no precedents of value to guide the State's corps as to the methods or the bases of their calculations. Should mainstem lands be assessed at the rate prevailing for contiguous farm lands? Or as one great continuous highway of travel, enhanced in worth by the special use to which it was put? And, if the latter theory held, what relation in fixing values had that part of the highway which lay within the State to the extension into a dozen States beyond? And the rolling stock, here to-day and away to-morrow—what rule should be followed in fixing that? But over and beyond these and like problems affecting values of the tangible possessions of the road, there was the more bewildering function of fixing the value of the franchises that enabled the companies to collect their rich tolls from the populace. What was a franchise, anyhow? How was it to be measured? There was absolutely no light to be had in experience or method anywhere on these branches of the inquiry.

Abbett insisted that the difference between the ascertained value of its visible property and the Wall Street value of the railroad as a whole was the measure of its franchise worth. He had planned to free the State forever from direct taxation

through his railroad tax law. The State expenses were not at that time comparable with her expenses of to-day. If he could assure her of an additional million a year, he could take the direct tax incubus off the shoulders of the taxpayers. Harrison's valuation figures produced considerably less than was needed to produce the needed $1,000,000 of revenue.

"Well," the big Governor roared, "I want a million from that tax act. Jack up tangible figures to the top notch, and assess the franchises at enough beyond to give me the million."

And, obedient to his masterful command, the State Assessors found the valuation figures that would yield the required seven-figure product. An assessment so based on the amount of money that was wanted, and not at all on the amount that was due, might be expected to anticipate the growing valuation of many after years, and formed a plausible explanation of the reason for the almost inappreciable increase in the tax values assessed against the corporations by the State Board. It must be confessed that this very interesting leaf from past history did not bring a reduction in Mr. Hansel's appraisals, and the State Tax Board approved them. The board differed from him as to the basis for the franchise assessment, but the difference did not affect the results in the total.

Figures that appear in State Comptroller Edward I. Edwards's reports indicate that the carefully planned system of the Stokes administration must have worked out in other directions, as little to the satisfaction of the corporations. They show that the Duffield second-class-property tax act increased the revenues of the localities from $655,000 in 1905 to $1,123,000 in 1906; and that in 1907, when the now perfected new system was in operation, the companies paid $4,355,951 in State and local taxes, where before they had paid only $1,600,000. The revenue increased, too, as the years went by. Comptroller Edwards's report for 1912 shows receipts of more than $6,000,000 from the railroads, during the closing fiscal year.

CHAPTER XXV

THE BISHOPS' LIQUOR LAW

Church Takes a Hand in Legislation for the Regulation of the Traffic—Sunday Observance Restrictions—General Review of Excise Conditions in New Jersey.

Just as the Black Equal Tax campaign had pointed out to the Stokes administration one direction for the exertion of its energies, so did an incident of the rivalry between the Dickinson and Fagan factions in Jersey City force the always unwelcome liquor problem upon its attention. There are nearly 2,000 saloons in the cities and towns of Hudson County. Eleven hundred of these, located in Jersey City, are centers of local political activity. Ex-Assemblyman Henry Byrne, a millionaire city contractor, who was accounted one of the shrewdest of local factors, calculated that, working in unison, they could capture the city government and run it on their own lines. This estimate of their power was shown to be a bit exaggerated in the primaries for the election of candidates for the new Commission Rule Board the city has recently taken on, when none of a dozen liquor dealers who were aspirants for nominations succeeded in passing under the string. But Mr. Byrne was quite right in attributing to them an appreciable influence in local politics.

Through his control of them with his Excise Board, which had full power over them in the matter of granting or refusing licenses, of closing on Sundays, and of the general conduct of their business, Bob Davis had made them serve his ends for many years; and most of his party triumphs in the city were due to the "heeling" and "booming" he had forced them to do for his candidates.

With Mark Fagan at the head of the city government, Mr. Record did not let him lose sight of the saloonkeepers as political factors; and when, in the early days of the Fagan

régime, he was on agreeable terms with the Mayor, Dickinson had used his influence with one of the legislatures to enlarge the Fagan excise board's powers over them. By the time another legislature met, however, the Mayor had thrown off the Dickinson yoke, and Dickinson, looking for reprisals, went to Trenton with an act taking from the Mayor the power to name the Excise Commission and transferring it to the Courts. The act through which he sought to accomplish this end must, to meet the constitutional requirement, be a general one; and the authorities of other cities to which it must needs apply did not take kindly to the change. The reluctance of the legislators representing them to advance the bill angered Dickinson; and there was so much talk all over the State about the incident that wide attention was called to the general conditions under which the State was allowing the traffic to go on.

The persistent defiance of the Sunday closing law by the barmen in many of the more populous cities forced that phase of the traffic particularly upon popular attention. The police of some cities—Jersey City, Newark, Hoboken and Paterson notably—closed their eyes to the assembling of crowds in the drinking places on the Sabbath, and the sales of liquor to them. They did not interfere if the doors were closed, the blinds drawn, the voices subdued, and there were an apparent compliance with Sunday closing regulations. When they did venture to interfere, arrest and complaint were useless. The magistrates the saloon element had helped to elect invariably refused to fine or imprison; and grand juries, drawn by sheriffs they had put in office, refused to indict. Their control of the penal machinery in city and county made them bold and vicious, and there was scarcely a drinking place without its backroom attachments for disorderly house practices.

These conditions had been known of all men everywhere for many years. But no one had given particular thought to them till Dickinson's attempt to legislate the Jersey City saloon men under Fagan's thumb and then to legislate them out of his control again came as a startling confession of their political power. People began to wonder what concessions they forced from the politicians in exchange for the exercise of their influence, and as no topic can so quickly and thoroughly arouse as the liquor problem, the State became in-

terested in the discussions. Particularly concerned over their open, and apparently protected, defiance of the Sunday closing law, a militant church element began a crusade. A throng of temperance zealots seized the awakening as opportune for the introduction into the State of the local option system of gradual and piecemeal prohibition that was driving the licensed bars from many of the States around. The old-line policy of State-wide prohibition had been superseded by the new plan of campaign the local optionists had introduced. The Anti-Saloon League of New Jersey came into being to prosecute it. Its local option bill, offered to the Legislature of 1906, was treated with slight consideration; but its agitation helped to swell the popular anti-liquor-domination chorus.

The overwhelming defeat of the local option bill eliminated the prohibition idea from the discussions of the hour. The masses realized that the saloon is one of the modern conveniences without which no municipal household can be regarded as complete. But they were in no humor to let the saloons run away with the local governments and laugh at all the wholesome regulations the State had set for their observance; and a movement aiming more closely to the reforms public sentiment was demanding was inaugurated when an Interdenominational Conference of churchmen was held in Trenton.

Bayard Stockton, scion of one of the most distinguished families in the State, presided, and among those who participated were Bishops McFaul and O'Connor of the two Catholic dioceses in New Jersey; Bishops Lines and Scarborough of the two Episcopalian dioceses; Mgr. John A. Sheppard of Jersey City, Vicar-General of the Newark Diocese, and one of the most influential of the Catholic priesthood; Mgr. John J. Fox of Trenton; the Rev. Henry C. Minton, a distinguished Trenton divine; the Revs. Edward S. Knight and C. E. Nash of Newark, the latter State Superintendent of the newly chartered Anti-Saloon League; the Rev. Fathers Sullivan and Ryan of Jersey City, Clifford of Morristown, Kelly of Hoboken; Charles B. Case and Peter Backes, a well-known Trenton lawyer, who was frequently under retainer by the Catholic Church authorities.

Through the agency of a committee named for the purpose this association had an act drawn. Senator Hutchinson, of Mercer, presented it in the Legislature about the middle of the session of 1906. Its appearance threw the liquor interests into a frame of mind bordering on consternation. It forbade the noisome and vice-hiding back rooms; made the owners of premises liable with licensees for infractions of the law; struck at the "growler" brigade by enacting heavy penalties for sales to minors; required the saloonkeepers to uncover the windows of their places on Sundays, to remove all screens that might prevent full view of saloon interiors, and made peremptory revocation of the license the penalty for violation of any of its provisions.

While the bill lay in a committee of which Senator Avis was chairman, the liquor lobby labored to induce the committeemen to draw the teeth the Interdenominational conferees had put in it. The church people, alarmed, proclaimed that the liquor interests were tearing it all to pieces. There went up a clamor for a public hearing that, when it was given, drew one of the largest throngs of earnest men and women ever gathered at the State House—come to plead for the homes rum was ruining; for the innocents debauched in back rooms; for the sanctity of the Sabbath; for every dear instinct, tradition and institution the saloons were wrecking. With them came as imposing delegations from the German-American Alliance to declaim against the removal of the Sunday screens, in the interest of "personal liberty," and, with an enormous throng of liquor men, Ex-Mayor Hinchcliffe, chief of the Paterson brewing industry, Charles Bradley of Ballantine breweries, John L. Kuser of the Trenton brewery interests, and Mahlon Margerum, to defend the industry against the attack that was being made upon it. Backes was there to plead for the bill in its original shape; and Hudspeth, the favorite of the repudiated Democratic régime in Hudson County, to talk against it.

Every pulpit in the State opened its batteries on the bill when it came amended from the committee's hands. The pulpiteers thundered that the State had been "captured by the rum-power." They declaimed against the lowering of the minimum license fee from $500 to $300; against the elimina-

tion of the clause penalizing the owners of premises as well as the licensees; but reserved their most lurid anathema for the practical destruction of the screen-removing clause. The Committee had not stricken out the proviso requiring the taking down of the screens on Sundays, but it had left its enforcement to the local authorities. The church people declared that the local authorities were so under the control of the saloon men that they would never order the blinds removed.

These prophecies were derided by the saloon advocates; but realized after the bill had been enacted. The officials of Paterson first, and of Hoboken later, refused to pass the required ordinance ordering screens down in their respective municipalities. The saloon men carried on business behind closed doors; and, when they were accused, set up the plea that, till the Common Council ordered the open view, these screens could remain up. The Court respected the defense; and it was not till a writ of mandamus had been issued against the inactive Paterson Aldermen, and the Mayor of Hoboken had been haled before the grand jury for his contumacy, that the authorities in either city acted.

The Committee's emasculation of the "screen clause," which made these evasions possible was condemned from one end of the State to the other. The Bishops prepared a remonstrance and sent it to the Legislature. The bill passed the Senate, however, with the handicapping amendment still in it. The votes of Wakelee and Minturn were cast against it. Its transmission to the House for concurrence brought Dickinson to the front with his clause for the appointment of the Excise Boards by the Courts. Morgan, of Essex, tried to fight it out of the bill but without avail. Elvins, who was temporarily in the Speaker's chair, entertained a motion for the substitution of the original "Bishops' Bill." The motion failed, with only the votes of Colgate, Everett, Hines, Martin, Miller, Morgan, Robbins, Serbe, Underwood, Walsh and Wise cast in the affirmative. The bill was immediately put on final passage and went through with thirty-five votes to its credit. Twenty—Berg, Bierck, Colgate, Coyle, Everett, Firth, Hines, Holcombe, Kayser, Marelli, Martin, Miller, Morgan, Patterson, Roeber, Serbe, Sommer, Tucker, Under-

wood and Walsh—voted against it. The absentees on roll-call were Arrowsmith, Hunt, Joerg, Smethurst and Tillmann. A comparison of the names in these two lists shows that most of those who had voted to substitute the original bill for the Senate Committee's substitute had done so with the purpose of defeating both.

The liquor men, in most of the localities, making a virtue of necessity, took down their screens on Sundays and were on their good behavior for a time. In some of the cities, however, a rebellious humor prevailed. Hugh Meehan, the proprietor of several bars in Jersey City, kept his screens up, and employed Richard V. Lindabury, of Newark, to maintain his right to do so in the courts. Other saloon men kept their bars hidden from view while the contest was going on in the courts; for their purposes the law was not law till the courts reënacted it. German bar men shouted that the right to get drunk on Sunday or any other day was a "personal liberty" that neither legislature nor courts could restrict. And by the time the State Court of Errors and Appeals decided that the act must be respected, few anywhere were paying any attention to it. Policemen were standing in front of saloons with their backs to curtained windows during the Sunday church hours. The Anti-Saloon League, through Samuel Wilson, the head of its Law Enforcement Department, piled up evidence of Sunday selling in Newark and Jersey City, but the grand juries refused to present indictments; and the excise boards refused to revoke licenses. Even proofs of sales to minors were not always accepted by the licensing Judge of the County Court as conditions for closing bars when they had been made. That the child had gone, at the parents' bidding, to the saloon with the dinner hour beer pail for the meal's refreshment was sometimes a mitigating circumstance that led the court to overlook the technical violation of the law.

The situation as to Sunday selling became especially acute in Atlantic City in the summers of 1908 and 1909. The five hundred drinking places in that famed coast resort had not for years even attempted to hide its violations of the Sunday law with screened windows. The Sunday is the play-day of the week there. Thousands make of it the scene of a rollicking week-end; its Sabbath freedom and revelry attracts other

tens of thousands. The church people had tolerated the unholy frolic with such patience as they could command till John Franklin Fort's election to the Governorship gave them hope of checking the saturnalia.

Governor Fort is a churchman. He had attached himself to a Methodist congregation in East Orange soon after he had become Governor. He was in large demand for church orations. The Atlantic City church men organized to secure evidence of the Sunday selling that was going on under their eyes to lay before him. He referred them to the grand jury. Atlantic County would lose its distinction and its enormous business opportunities if Atlantic City's gaieties were smothered. The grand juries listened but heard not. The Governor called upon Mayor Stoy to crush the traffic by raid on raid. The Mayor refused to act. He would probably have been driven into the sea if he had ventured to act.

The Governor threatened to turn the State Militia loose upon the rebellious community. The barmen took his threat in a Pickwickian sense. They declared that an ante-election pact between themselves and the Governor would shield them from harm. He might bluster for public effect, they declared, but nothing more. The compact was said to be that, in return for the support of the Atlantic County and other South Jersey County machines, the Governor was to close his eyes to Atlantic City mid-summer hilarities, and guarantee the interests there against court interference by reappointing their man, Higbie, as County Judge. And the Governor's reappointment of Higbie was quoted as the visible proof of the compact. Governor Fort made hot denial of the truth of the story; and in his message to the Legislature of 1909 he denounced the attitude of the Atlantic City authorities as treasonable, but confessed withal that "existing laws provide no remedy for the willful refusal of officials to obey the laws of the State." The situation was one that in his judgment could be met only by vesting in the Governor the power to remove defiant local officials. He asked for a law of that purport, but the Legislature refused to pass it.

These sensations of two summers brought the Sunday question in all its phases into bold relief when the legislatures of 1909 and 1910 were in session. It had become quite evident

that the sentiment of the State would never sanction a law authorizing the sale of rum on Sunday. That extravagance of the "personal liberty" theory had been put out of consideration by the action of previous law-making bodies. Charles P. Olwell, a young Assemblyman from Hudson, endeavored to try the State's devotion to the Sabbath by a milder Sunday freedom proposition. The excitement his bill for Sunday ball playing, offered in the interest of "Bob" Davis's ball ground on Jersey City Heights, aroused, revealed the deeper sincerity of the State's reverence for the Sabbath.

New Jersey is a "State of Churches," as much as Brooklyn is a "City of Churches." The devotion of her communities to the higher and cleaner ideals of life is reflected in the numerousness of their places of public worship. Even if their pews are not always full, the temples themselves, antheming the Gospel of Peace and Good Will among Men and breathing out an atmosphere sweet with the Serenity of Faith, the Joy of Hope and the Gentleness of Charity, by their sacred presence alone, make for order and correct habits of living among the people. The skeptics themselves worship them, though they may not worship in them, for the beneficence of the influence they exert. Respect for the orderly, ennobling and inspiring atmosphere of the Sunday, if not for its sanctity, is the heritage of every right-minded Jerseyman. It is more than a mere creed with him—it is part of his nature; an ingrained tradition his mother's devotion sanctified in him. And the ideal she kneaded into his soul survives all the doubts the "New Thought" of the age may have bred in him. When he looks abroad he sees that those communities are most blessed where the Sunday is most observed; that the lowness and badness and disorder of a locality can be always measured by the degree of its disregard of its sanctities. And, believer or infidel, he will not tolerate any legislation that, loosening the rigors of its observance, gives State sanction to its desecration.

It was because of the traditional reverence for the Christian Sabbath that even Olwell's comparatively harmless Sunday ball playing bill was shuffled out of sight almost as soon as it made its appearance; and the same spirit naturally made even harder sailing for the bills for the bifurcated Sunday that

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gives half of the day to the churches and the other half to the rum sellers; for the modification of the Sunday restraints of the Bishops' Liquor Law the liquor dealers sought; and for all the other propositions for Sunday desecration that found their way into the legislatures of the two years.

Even Senator Edge's suggestion that the little patch of land covered by Atlantic City be let out of its observance of the sacred day met with no favor. And there were strong arguments, too, to support it. Atlantic City is unique among the municipalities of the State. Other localities have their fixed populations with fixed habits. The rural towns are full of church people who have no need of an open Sunday. The cities away from the sea coast have a cosmopolitan population that asks only for freedom from interference with orderly liberty of action; the saloon that seems to be closed to all but those who seek it meets their requirement.

But Atlantic City is world-famed as the playground of the nation. Her fixed citizenship is as nothing to the floating tens of thousands that flock to her, in the week-end trains, to let themselves loose amid her mad frivolities. Her abandon and revelry are the secret of her glory; and the Sunday is the day of frolic for the crush of visitors who have no other time for the recreation. Her board walk is black with rollicking promenaders over all its ten-mile stretch. It would be as a banquet hall deserted if there were no banquet there to minister to the humor of the hour. Even the wheel in the air, the razzle-dazzle, the take-your-picture-while-you-wait galleries, the flying horses and Devils' Caves, all lose their attraction for them, if they can not top it all off with the hot bird and cold bottle. And when evening shades creep over the coast, she looms, in the dazzle of her lights, as a sunburst upon the commonwealth's fair bosom.

To extinguish the lights that draw the butterflies of frolic would be to extinguish Jersey's chief glory with them. A Sunday-rigor snuffer could not be made the fitting complement of the weekdays' abandon. She would lose her prestige for badness if she could be made to be good for one day of the seven or even for one day of the 365. The gloom of a holy Sunday would saturate the atmosphere of all the other days; she would pine away in it. Gone would be the week-end visitor

who comes to frolic and often stays to live. No one can begin to estimate the extent to which the popularity of Atlantic City has lured home-makers to the State they never might have known if they had never been drawn to the famous coast resort.

This view was ably presented to the legislators by Senator Edge in support of his bill excepting Atlantic City from the Sunday rigors of the Bishops' Law; and there was such tremendous pressure behind it that he thought at one time it was as good as passed. But when the law-makers came face to face with the bald proposition of giving State sanction to a Sunday violation law, they side-stepped and backed down; and the act went the way of all the others that had come with it and gone before it.

The liquor men of the State themselves helped in its defeat—not because of their regard for the Sunday, but because they would not see Atlantic City bonifaces achieving a privilege they could not share with them. With the idea of stirring State-wide opposition to the Atlantic City proposition, they offered a bill of State-wide application for Sunday selling. If there had been hope of the passage of a seacoast resorts special law, it was drowned in the tumult the demand of the other saloon men of the State made for equal treatment created from Sussex to Cape May.

There had long been a contention between the Atlantic City bonifaces and the State liquor dealers' associations. The Royal Arch of this seacoast town had set itself up as their rival. It had even refused to coöperate with the interests in other parts of the State. In the defeat of this attempt at legislation for the special benefit of Atlantic City, the State associations had shown the Royal Arch it could do nothing without their aid. Atlantic City ventured to dare the fates with open Sundays during the following summer, when Dr. Wilson was at the head of the State. The Governor did not attempt any serious interference with its festivities for the time; but by the time the season of 1913 was about to open, he had sent Clarence L. Cole, a leader of the "clean-up" reform citizens' movement that ended the rule of a most audacious, reckless and lawless gang of official looters, to take the place of Higbie on the bench of the County Court. The fear of Judge Cole's

retribution was commanding respect for his order for "lid-down" in the resort in the early spring of the year. But the most determined and resourceful of presiding judges is powerless unless the grand jury support his orders for the suppression of the Sunday traffic by indicting those who engage in it.

In the background of all these agitations was—is—the Anti-Saloon League of New Jersey, that first came into active Delaware jointly. The Rev. P. T. Pockman of New Brunswick was its first president and, till his death in 1903, the Rev. J. R. Brittain, a retired United Presbyterian minister, who had been associated with the League in Pennsylvania, was its superintendent. The Rev. Charles L. Mead, a noted minister of the Newark Methodist Conference, now, however, of New York; Filmore Condit and the Rev. Ralph B. Urmy have been his successors. The activities of the League in running up proofs of Sunday violation against the Newark grogshop keepers, led to the arrest of the League's detectives on charges of blackmail, but G. Rowland Munroe, its attorney, secured their release, and successfully prosecuted suits for false imprisonment against the detectives who made the arrests and the local liquor dealers' association that had inspired them.

Meanwhile New Jersey had been set off into a separate jurisdiction, under the superintendence first of Mr. Munroe, and successively later of J. Frank Burke, the Rev. Thomas B. Shannon, pastor of the Hilburn Memorial Presbyterian Church in Newark, and the Rev. Edward I. Stearns of the Matawan Presbyterian Church. Superintendent Burke was a heady and impressive agitator, whose reckless speech brought him to the bar of the House of Assembly, at one legislative session, for contempt. The Assembly's attempt to commit him for contempt gave a welcome conspicuousness to the cause he was serving, and rather increased than diminished the League's prestige. In December, 1907, a vital change was made in the control of the League when it ceased to be a self-perpetuating body, and the control passed to a Board of Directors appointed directly by those of the New Jersey Church denominations whose church policy would permit. The participating denominations are Presbyterian, United Presbyterian, Baptist, Methodist

Episcopal, Methodist Protestant, Congregational, Reformed, Christian Reformed, Friends, and Disciples of Christ.

The League's special aim is the passage of a law that would seem to be fundamentally at war with the State's policy of license. That aim is a reënactment of the local option legislation that the State so impetuously repudiated after a year's trial, thirty years or more ago. Local option is the new Prohibition method of "drying up" a State piecemeal by enabling the people of a town, in special elections, to forbid the granting of liquor licenses within the town limits. Special charters, given in the early days, to Vineland, Bridgeton, Millville and other Cumberland localities, barred the licensed saloon. The scheme was to build communities of teetotalers there. But the inevitable secret bar came to take the place of the licensed bar; and the people were as much given to drink as in the other localities that maintained open saloons. Thus, with a policy that required the drinkers to imbibe only at the places the State licensed to sell liquors, and yet drove them in these special localities to drink at bars that could not be licensed, the State was at war with herself in her system of regulating the distribution of liquors.

To make the clash with the State's established policy, that is permitted in the Cumberland localities, State-wide, through the medium of the local option bill the Anti-Saloon League advocates, is only to emphasize the incongruity of the thing. A policy that forces ninety-five per cent of her people to refresh themselves only at police supervised bars, and permits—or rather, because of the denial of license-granting prerogatives, forces—the other five per cent to go, for their libations, to secret, unsupervised and unlicensed bars, is so glaring a paradox that the legal possibility of a local option system has been questioned as not treating all with that evenness and equality and sameness which is the fundamental principle of the State constitution.

Nor can it be said that the League has the coöperation of all the churches in the denominations that have been mentioned as supporting it. Some of them are in sympathy with the old line of prohibition warfare that refuses to countenance the saloon as a legitimate existence anywhere. The local option plans of the League, in closing the saloons only in the places

that vote them out, inferentially recognize them as lawful in the places that refuse to vote them out. The old-line prohibitionist therefore holds the local optionists to be, in a degree, the ally of the saloon interests. And the contentions between the two bodies of liquor fighters are even more bitter than those between them and the rum dealers. Only recently the Morris and Essex Baptist Association refused to pass a resolution endorsing the Anti-Saloon League, on the ground that it cannot, in any shape, countenance the legalizing of the liquor traffic.

Many workers in the cause of temperance are of the view that, over and beyond all this, neither the old-line total prohibitionists nor the gradual prohibitionists of the local option school are doing anything in the interest of temperance through their attacks upon the licensing system of the State. They believe that the regulated saloon is preferable to the unlicensed and lawless bar which finds its way into all dry territories; that if there is not less drunkenness, there is at least a less vicious and a less degraded form of drunkenness in the localities that keep the saloons under police eye than in those which leaves them to run wild. So that the Anti-Saloon League, in suppressing one kind of inebriety, may be helping to breed a worse kind of it, in fighting the open and regulated places. In spite of all these considerations, the League, with a cheerful confidence in a method of warfare that has made a large part of the country "dry," turns its battering rams upon the State House as often as the legislature meets; and, as Superintendent Stearns told the lawmakers, at one of the hearings on his local option bill, defeat to-day is not making it despair of victory to-morrow.

Meanwhile, for a diversion on the side, the League carries on an incidental predatory warfare upon the liquor interests that is designed partly to keep its employees busy doing something for the money confiding church zealots pour into its coffers, but mainly to embarrass and harass and obstruct the liquor sellers. Its most amusing side-play was undertaken when it placed in the hands of Senator Hillery, of Morris, its act for the establishment of Boards of Drunkards' Guardians in the localities that might see fit to have them. The function of these unique boards is to pick out the bibulous

—even those who are only suspected of getting ready to become bibulous—and to order the hanging of cards bearing the lists of their names in drinking places, with orders, of course, that they be refused service.

The irreverent wits of the press have given the right ring to their jests by labeling the boards as "Jag Law Boards," and they have made so merry over this law that few localities have had the temerity to act under it; and some of those whom others have named to serve on the boards have refused to accept. The posting of a list of proscribed town folk led to riot in one of the localities; and in some of the other localities it was said that the board members had used their powers for the humiliation of their political and personal enemies. One thoroughly sober citizen of good family who had been listed was denied satisfaction by the courts when he sued for slander or libel. The court held that the commissioners could not be held accountable for errors in the exercise of their discretion. The ruling was at variance with one made subsequently in Camden, where the Excise Board had been accused for having denied applications for license for political reasons, and the court, on demurrer against the indictment presented against its members, held that the officials charged with discretion were answerable for its proper exercise. The "Jag Boards" gradually grew so unpopular in the localities that had them that they were afraid to carry on their work, and, except in one or two of the towns, they finally became only a name and an unsavory memory.

The passage—or the attempted enactment—of laws of this character has been, however, only a diversion of the Anti-Saloon League. It never loses sight of its local option goal and offers its bill at every session of the Legislature, but with no hope of immediate passage. It plans, by its showy exploitations against the saloons at legislative hearings, to educate the masses along its lines, and to keep on soliciting legislature after legislature till it shall have attained its end. Senator Childs, of Somerset County, offered its first bill to the Legislature of 1900. Assemblyman Miller, of Cumberland County, offered its second in 1906. Crosby, of Ocean, was its sponsor in 1908; Buck, of Cumberland, in 1909; and Gebhardt, the Hunterdon Senator, in 1910-11-12.

The hearings accorded on some of their offerings drew record throngs to the State House. The State Brewers' Association at various times sent ex-State Attorney Robert H. McCarter, ex-United States Attorney General John W. Griggs, and other noted orators to present the liquor side of the question. At one of the hearings the Anti-Saloon League was represented by Gov. J. Frank Hanley of Ohio; at another by ex-Governor Glenn of Georgia, and at another it gave the liquor men a chance to ridicule it by introducing, as its main sponsor, Judge A. Z. Blair, of Ohio, who had once confessed that he had participated in the election briberies for which he himself sent a whole townful of men to the jails. These imposing hearings were valuable, however, only for their educational opportunities. The local option bill never had more than a dozen votes in the Assembly, nor more than seven in the Senate.

For a little season after Dr. Wilson came to the Governorship, they were deluded into the belief that the hour for the fruition of their plans had come adventitiously. Fresh from the Presidency of a great Presbyterian Seminary, Governor Wilson was presumed to be somewhat in sympathy with plans for the suppressing of the drinking habit, and that he would lend the prestige of his name to the support of bar-closing legislation. Just after the opening of the legislative session of 1911, the Rev. Thomas B. Shannon, the superintendent of the League at the time, came, smiling, from a long conference with the Governor, to announce that the State's new executive was in favor of local option. The Governor followed this semi-official deliverance with a widely quoted letter in which he confessed that he was for local option because it was home rule, but declared that it was wholly a moral question that should not be injected into politics.

And later the Governor demonstrated his ability to think one way from the moral standpoint and act the other way from the political standpoint, by naming William C. Jacques, of New Brunswick, who had long been the lobby agent of the State Liquor Dealers' Association in Trenton, as a member of the Middlesex County Tax Board, influencing the selection of John H. Hannan, an ex-barman of Weehawken, as Deputy Clerk of the Supreme Court, and by accepting ex-Senator John

Hinchcliffe, a wealthy Paterson brewer, as one of his chosen delegates to the National Convention that named him for the Presidency. Of course, every one wondered how the Rev. Dr. Shannon could hope to make his local option policy effective for prohibition, if he could not appeal to the politics that makes legislatures; and the good doctor had not solved the riddle when he died. The problem has fallen for solution to the Rev. Dr. Stearns, the stormy pulpiteer who succeeded Dr. Shannon as the State League's superintendent.

CHAPTER XXVI

"WATER SNAKE" DEFIES NEW JERSEY

A Syndicate That Proposed to Drain the State's Watershed for New York City, Flagged by an Act Forbidding the Diversion, Ignores the State and Dashes on to Washington for Federal Authorization—Secretary Stimson Ends Its Inglorious Career.

A presumed scheme for the emptying into New York City of the great watersheds of Northern New Jersey can be traced back to the days when the late Vice-President Hobart was serving Passaic County in the State Senate. But it did not come into fuller view till the Legislature of 1905 came together. In his last annual message sent to the Solons at that session, Governor Murphy called attention to rumors of a contemplated diversion of the State's water that were so definite and specific as to require immediate and decisive action; and the Legislature thus directed passed the conservation law which Governor Stokes, as his successor, was to sign.

The State had long been apprehensive about its watershed. A series of bills which Mr. Hobart had induced the legislature, years before, to pass, had seemed harmless enough as they went through one by one. But when they had all been assembled and correlated, it was seen that they granted water franchises of enormous value for someone to seize. When a few years afterwards the East Jersey Water Company came into being to exercise theirs, it was widely suspected that its expected ultimate source of profit was to be found in supplying New York City with a new—or an additional—water service. The suspicion led to so much unfavorable comment, however, that, if the company really contemplated so unpatriotic an undertaking, it did not deem it prudent to enter upon it openly.

But eventually there was observed a movement on the Bay-

onne shore at Kill-von-Kull that a public, quite ready to be alarmed, at once interpreted as the entering wedge to the scheme. Bayonne had for years been buying her water supply from Jersey City. A new company apparently, but popularly supposed to be the East Jersey Water Company, in the disguise of the Hudson County Water Company, had wrested the contract from her. Bayonne is a city on the Bergen Point neck, directly opposite Staten Island. A colony of oil tanks belonging to the Standard Oil Company is located there, and it is supposed to be largely under Standard Oil domination. Unexplained activity in the way of water main laying there made talk, and finally it came out that the mains were aimed at tide-water in the Kill-von-Kull, and that the city had been bribed with a gift of new water facilities and rebates, to allow the Hudson Company to pierce its waterfront with outlets, that were to be connected with conduits under stream to Staten Island. As Staten Island is part of Greater New York, New Jersey immediately scented the long-suspected scheme to steal her waters for New York.

Inquiry disclosed that the company had contracted with Greater New York, through George Cromwell, the President of the Borough of Richmond, to send water from New Jersey into Staten Island. It was represented that Staten Island was in sore need of a little extra water while New York's big reservoirs were being completed; and that the contract was only an emergency arrangement for but a brief term. These representations were met by the denials of a rival water company that was then supplying the Island; that company insisted that Staten Island was getting all the water it needed, and that, if it were not, the company could extend its plant for a larger supply. Turner A. Beale, the president of the company retorted that the contract, made by an official of the high character of President Cromwell, was all the proof one could ask of the need of the service. Appeals to the Bayonne officials to intervene, in the State's behalf, were fruitless; the company had subsidized the city with large gifts of new water facilities. A clamor for State action followed. The redoubled energy with which the company pushed its operations when it saw the public aroused and alert, made it only the more forcibly apparent that unless something were done

quickly, the situation would be beyond recall. The legislature was not in session to order a halt on the work at the river edge. The Governor had no authority to act, and the company had prosecuted its enterprise so long with such secrecy that a few weeks would enable it to complete the connection.

The emergency for preventive steps was urgent; New Jersey was at her wits' ends for a remedy till it came to mind that the Federal authorities had jurisdiction over the interstate waterway—it was a highway of marine commerce; and that the company could not invade the Kills with its pipes without their consent. The War Department was appealed to to refuse the consent.

In rejoinder the company drew a grewsome picture of the possibilities of a water famine among the Nation's soldiers in the fortifications along the Staten Island shore. If the new supply were interrupted, the brave gunners who guarded the harbor might be condemned to die of thirst. The Roosevelt administration moved in a martial atmosphere that made the appeal effective. The Secretary of War would not act. The company had not applied for permission to under-lay the stream; there was just then nothing for him to refuse. But then he would look into the subject, and he sent a party of epauletted gentlemen to the harbor to visé the situation. It took them a long time to find out about things, and meanwhile the company was pressing its pipes from the water hills to the waterfront with accelerated speed. Intimations were made, long afterwards, that the application had been made as secretly as the company had prosecuted other branches of its enterprise; only the Secretary forgot about it when he gave New Jersey assurances that the matter was all a new one to him.

New Jersey, in the delay, panted for the assembling of the Legislature; and the company was still busy, up-tearing the Bayonne streets, when Governor Murphy sounded the note of warning in the message he sent a few days before the expiration of his term. An agitation of the Newark Board of Trade for preventive measures had probably pointed his attention to the necessity of action. It had come together in emergency meeting to discuss the situation. The attendance was very large. George W. Tompkins, chairman of the Board's Com-

mittee on Navigation, placed the details before it. Resolutions calling for action were adopted with a spring. Senator Bacheller, who was in attendance, confided to the Board members that Attorney General Robert H. McCarter was then drawing an act forbidding the taking of its waters out of the State.

The act, introduced by Bacheller a little subsequently, went to the Committee on Municipal Corporations. It was held up there, and Scovel, of Camden, its chairman, was said to have fallen under the influence of Joseph Wharton, a rich Philadelphian, who had set his eye on the other watershed in the west end of the State, for the use of Philadelphia. An impatient public sentiment eventually levered the bill out and it shot through both Houses with dynamic speed and force.

Its passage did not stay the operations of the company. While it hung the act up in the courts of the State, it went on with the construction of its conduits. When the decisions of the State Courts sustained the act, the company carried it to the United States Supreme Court, while it cemented its under-river pipes with the apparent concurrence of the Federal War Chief. And even after Mr. Justice Holmes, the distinguished son of Oliver Wendell Holmes, made known the finding of the highest court in the land that New Jersey's right to the flow of her streams was absolute, the pipes were being stretched to the Staten Island shore.

Mr. Justice Holmes's opinion ended the company's hope of an open diversion of the State's waters, of course; but its continued activities indicated that it yet had in contemplation a circumventing scheme of some kind. Its new hope was disclosed when reports that "some company" was sinking driven wells near the water plant at Belleville, which Newark had abandoned some years before. It was taken for granted that the "some company" was the Hudson, and that it was preparing to tap the underground flow of the watershed streams. The New Jersey authorities ordered a halt. Instead of compliance, the company answered with a bill offered by Senator Wakelee to the Senate of 1906, designed to modify the law Bacheller had planted on the statute books the year before. George B. McClellan, son of the Union General, whom New

Jersey had once honored with the Governorship, and who was then Mayor of New York City, sent a letter to Governor Stokes pleading for the passage of the act. The Governor's letter of transmission to the Legislature had in it no word to dissuade the lawmakers from heeding the plea. Cromwell, the President of Richmond Borough, came from Staten Island, with ex-Supreme Court Justice Gilbert Collins and Richard V. Lindabury, two of the most adroit advocates in the State, to argue for the modification bill before the Senate Committee. But public sentiment was obstinately intolerant of any interference with the conservation law, and the act failed of acceptance by either branch of the Legislature.

Hopeless now of moving the State from her moorings, the company began a new line of tactics that excited the populace even more than its first attempts to take the waters had stirred them. With the furnishing of water to the Government forts for its pretext, it urged the United States Government to override the sovereignty of New Jersey and to insist upon taking the waters from the State for the United States soldiery across the bay. The Federal War Secretary had given a heeding ear to this proposition, which the State press everywhere denounced as "insolent" and "usurping"; and the company was going on with its works in the confidence that the United States would hold the State in a grip of "eminent domain" while it denuded her of her drinking water, when Roosevelt laid down the Presidency to Taft. The change in the White House brought a new War Secretary into the Cabinet. It was contemporaneous, too, with the advent of a new line of Congressmen from New Jersey into the House of Representatives. Walter I. McCoy, of South Orange, one of the State's new sponsors in Washington, representing the district, laid the matter before Henry L. Stimson, the new War Secretary. Mr. Stimson, after an exhaustive inquiry, concluded that the soldiers in the forts were getting all the water they needed, and that there was no excuse for the diversion of New Jersey's waters for their supply. He unearthed a contract his predecessor had made with the Water Company, and promptly and peremptorily revoked it.

These maneuvers created much excitement among the people of New Jersey; but while they were going on the company had

the assurance to seek the favor of the State Legislature again. It at the same time claimed that no law of the State prevented the abstraction of the State's sub-surface streams and as late as 1910 appealed to the lawmakers for the passage of an act specifically countenancing it. Governor Fort's annual message to the Houses of that year urged an enactment as specifically making it a misdemeanor for any person or corporation to participate in a scheme for the diversion of the underground flow to places outside the State. The breezy McCran, of Passaic, offered in the House a bill embodying the Governor's suggestion. It went through that branch unanimously, but, when it reached the Senate, the company hurried ex-Attorney General Griggs and Robert H. McCarter to Trenton in the hope that their eloquence and influence would impede its further progress. Colby, who had been defeated for reëlection to the Senate in the previous fall, appeared, too, to obstruct its passage. They appealed to the pity of the State, whose sovereignty the company had so insolently defied. The passage of the act would, they declared, bankrupt it and impoverish its stockholders.

The bill was held with viselike grip in the hands of the Senate Committee; and it seemed as if it were there to be smothered, away up to the very last hours of the winter's session. Governor Fort exerted his influence privately to force it out. When that quiet effort failed he sent to the Senate a peppery special message demanding action upon it. He declared that the company's work in Washington was that of an outlaw, and that it was entitled to no consideration whatever at the hands of the State of New Jersey. The message fell like a bombshell upon the corporation-bound Senators, and the bill came from Committee. Even yet there was delay in getting it upon President Frelinghuysen's desk for further action; and it was not till the very last hours of the session that McCran succeeded in forcing it to a final vote. One of the last acts of Governor Fort's administration was the making of a law of McCran's act, with his signature. The enactment of the two anti-diversion laws is supposed to provide ample safeguards to the State's waters, and the Hudson County Water Company has disappeared from the scene of its operations.

All through the discussions the incident aroused ran a suggestion that the proper conservation of the State's northern watershed requires a State Water Commission with ample powers. The flow is very abundant. Some experts declare that it is no end of times greater than the North Jersey communities of the next century's growth can consume. Less optimistic forecasters believe that the demands of the population that is likely to settle in that part of the State will soon need it all. The inadvisability of permitting any acquirement of rights to the overflow that are not needed for current supplies is urged by leading students of the problem.

It is held to be the common property of the communities that must naturally depend upon it for their drink; and that none should take it save in the quantities needed for the preservation of life in those communities. Jersey City's application to a recent legislature for authority to draw a supply for sale to surrounding towns was stoutly contested on the ground that the people's water is no more a speculative commodity than light and air are; and the franchises acquired by the East Jersey Company under the Hobart bills are being attacked in the courts on substantially the same ground. A State Water Commission would conserve the great natural reservoirs, and hold their abundance for opportune distribution among the localities for the support of which Nature manifestly intended them.

CHAPTER XXVII

BRIGGS SUCCEEDS DRYDEN

Colby Party Opposition to Prudential Head's Reëlection Ends in His Withdrawal—Woodrow Wilson's First Appearance in Politics—Martine the Democratic Caucus Nominee.

When it fell to the Legislature of 1907 to choose a successor to John F. Dryden as United States Senator, conditions in the Republican party, in Nation and State, had become awry. The "Big Interests" that had long been in partnership with the party had begun to exhibit resentments at President Roosevelt's "Trust Busting" crusade. It was assumed that he was planning for a renomination in 1908; and those at least of the selected interests upon which he had turned the Government guns were looking for reprisals. The charges made by Alton B. Parker, who had been his Democratic opponent in 1904, that the combinations profiting by governmental privileges had put up enormous sums for his election were corroborated by specifications that crept into the gossip of the hour. The rumors became definite, personal, accusingly particular in detail. The Congressional enquiry that followed would have been forced by public sentiment if factional animosities had not already set it on foot. The revelations interested the nation for months. Quarter million contributions to his campaign were traced to the Morgan syndicate chiefs, and to Harriman, known, rightly or otherwise, as "the railroad wrecker." Banks, insurance companies, and great industrial and financial combinations were shown to have been put under heavy tribute "for the good of the cause." The strenuous Roosevelt was not the man to dodge this battery of mud. He gave his detractors and pursuers as good as they sent. And the Republican household had became the scene of a mighty contention.

The rich Equitable Assurance Society, on lower Broadway, New York, had carried a "Yellow Dog" account for these

and other secret expenditures. When its comptroller, Thomas D. Jordan, was sought for information as to which and how many of these masked accounts were covers for Roosevelt contributions, he disappeared, and returned to his home in Englewood after the storm had subsided, only to die of nervous breakdown. The revelations made then were duplicated in the revelations that came as the result of the probing of the methods of other insurance companies. No insurance inquiry could be complete without including so large a figure in the world of insurance as Senator Dryden, and he had consented to answer the subpœna of the New York investigating committee. The testimony he gave won the praise of Charles E. Hughes, the Committee's counsel, and of Senator Armstrong, its chairman, and others present on one of the most memorable days in that never to be forgotten episode in insurance history. But his rivals made the mixing of his name with the inquiry the pretext for insinuating deductions.

The monster Steel Trust was another conspicuous gift-bearing Greek. Senator Dryden's name had cropped out incidentally as that of a director in the overshadowing Trust. Colby, still smarting from the Senator's refusal to aid him in the House Speakership contest, and the fierce-visaged Martin going about with his reform club always raised for heads to hit, were eager to make a shining example of him before the people of the State.

The one in the Senate, the other in the Assembly, shied at the Clerks' desks screaming demands for a committee to probe deeper than the New York committee had done, into his relations with these absorbing scandals of the hour. But the Legislature of 1906, whose aid they solicited, was not of the same implacable mold. Mr. Dryden's friends of the "Old Guard" still had it fairly well in hand; and the frantic calls for a further and a more particular inquiry into insurance methods in which Mr. Dryden had been probably only casually involved met with feeble response.

Meanwhile the New Jersey agitators were piling new fuel under the seething caldron of party contention. Colby and Martin had come into the legislature over the mangled form of Boss Lentz in Essex County. Aided by Fagan's Jersey City officialism, Record had snatched the control of the Repub-

lican machine in Hudson from the hands of Boss Dickinson. There were yet other Bosses to be overpowered—Kean in Union, Strong in Middlesex, Voorhees in Morris, Baird in Camden, and the Record-Colby allies were shouting for the emancipation of the people from the "curse" of their rule. Hordes of disappointed place-seekers, malcontents and chronic "Antis," acclaimed them. As the favorite of the "Regulars," their picture shows always painted Dryden as the particular offering of Boss rule that must be repudiated.

Their clamors and wild denunciations stirred the apprehensiveness of the "Regulars." But Stokes was the only one of that household who showed signs of tremor. He had made a speech lauding Colby. The "new idea" roysterers hailed so distinguished a convert deliriously. They had at last found one so intrenched with the other side, yet so in sympathy with them, as to point him out as their gladiator against Dryden. A combination on him for Senator and Colby for Governor was seriously suggested. It pleased everyone but Record. Stokes was not radical enough for Record. No one was radical enough for Record—except Record! Record's nomination of Record for the Senate was therefore quite logical; and when he had projected it he lost no time in making his candidacy the topic of the day. Mr. Dryden had not yet declared himself for reëlection when the Jersey City radical challenged him to a joint debate. It was foregone that Dryden would decline the challenge. But that did not discourage Mr. Record's plans. The challenge hoisted him into view alongside of Dryden. The only candidates the populace saw for a brief hour were Dryden and the man who had dared him. Record's point was gained.

That was "all for the show," however. Record was not the menace Dryden forces were fencing with. Stokes seemed to be underground somewhere making an upheaval. Was he burrowing for Dryden's toga? He was non-commital when questioned. But then how could he be Senator while he was Governor? Did not the Constitution say "no" to that? Nevertheless the public places rang with rumors of his candidacy. His movements were interpreted as foresigns of its announcement. Still allied with the "Regular" machine and toying with its assailants, there seemed to be danger in his

candidacy; and Senator Dryden, always cautious, kept in the background till Lathrop Anderson came from Trenton one day with assurances from Stokes that he would not be a candidate for Senator while he was Governor of New Jersey. Mr. Anderson was identified with the Colby element in Essex County, and had been its unsuccessful candidate against Lentz for Chairman of the County Committee. He had not been impressed with Record's candidacy against Senator Dryden. The Governor came closer to his ideal as a Senatorial possibility; and his interview with Stokes was supposed to have been sought with a view to urging Stokes to get actively into the contest. His announcement that the Governor could not be considered in the running was the more regarded as final and authoritative because it seemed to be in the nature of a confession by Mr. Anderson of the failure of his mission.

In the course of a conversation in the early part of May Colonel Kuser had made it known that Mr. Dryden would be a candidate for reëlection. This became public, and soon thereafter Colonel Kuser saw Governor Stokes, who, on that as well as on several other occasions, positively assured him that he would not be a candidate for the Senate. These assurances to Anderson and Kuser did not prevent the presentation of the Governor's name to the Senatorial Joint caucus, however. Nor did the constitutional injunction against the election of the Governor by the Legislature to any office under the United States Government prevent several of the lawmakers from persistently casting their ballots for him there; nor, again, during the balloting was ever announcement made, in the Governor's behalf, that the use of his name in connection with the office was unauthorized.

All through the preliminary campaign, and right up to the moment when the contest was settled, Mr. Stokes's candidacy haunted the workers. The moment Colonel Kuser made it known that Senator Dryden would ask to be elected to succeed himself, the war upon him began. It was realized that he came into the contest surrounded by influences that were potential. He had strengthened himself in his one term in the Senate by his notable record there; he had taken rank among the foremost of its thinkers. But he had climbed there so modestly that only those who were closest to him appreciated

him at his full worth. For one thing, he had, as a member of the Committee on the Isthmian Canal, given direction to the plans for the construction of the inter-ocean ditch at Panama. His elaborate and carefully prepared address in the Senate, in favor of the lock-level plan, and in opposition to the sea-level proposition, which was favored by the majority of the Committee, was a most convincing argument, supported as it was by indisputable engineering and other scientific considerations. In view of the small margin of votes by which the lock-level project was ultimately carried through, and of the bitter opposition to the canal enterprise by the trans-Pacific railway interests generally, the Senator had, as much as any member of the United States Senate, helped to bring about the final realization by the American people of the greatest engineering project of all times. His speech in the Senate in 1902, on Chinese exclusion, and his scholarly and widely reprinted address before the Newark Board of Trade in explanation of the bill providing for Federal regulation of insurance which he had introduced into the Senate, were other evidences of the versatility of his powers.

The valuable service he had thus found it possible, during his term, to render to the Nation, was quoted as the proof of his peculiar fitness for the great National functions that devolve on a United States Senator. But achievements in statesmanship seldom figure in the discussions in New Jersey over Senatorial successions. Even if Senator Dryden's force in National affairs had penetrated far enough down to have reached her electorate, the war for the succession would still have been waged, as it was, from the viewpoint of North or South Jersey; of its bearing upon this, that or the other candidacy for this, that, or the other office; on the question of whether Lentz or Colby should be Boss in Essex, or Record or Dickinson Boss in Hudson; or whether Mr. McCarter's trolley company should have leave to run its cars through an alley somewhere for only twenty-five, or for fifty years, or forever; or whether Mr. Dryden did not have altogether too much money to be a desirable United States Senator; or whether his skill in building up so monumental a business on weekly dimes, as his Prudential Company was doing, did not disclose him as a natural enemy of the race—and settle it in the light

of their varying views over these transcendental problems.

It is doubtful if Senator Dryden ever really understood why his candidacy should have aroused so great a commotion as it did. In the successful chief of a world-wide business enterprise, the people saw one of those hideous monopolists at whom Roosevelt was railing, and for whose faces Record and Colby and Fagan were straining frantic finger-nails. Colby and Ackerman were themselves men of large wealth; but they were in a hue and cry of a half dozen legislators who declared they could never vote for that kind of a Senator. They were glorifying Stokes and Pitney and Griggs—even Bradley, of Camden. There were only three Republican votes to spare in the Joint meeting; this half dozen recalcitrants could defeat the candidacy of any aspirant. Stories of attempted bribery, easily credited because of Mr. Dryden's wealth, were put in circulation, to compromise his candidacy. When these were met with denials that could not be traversed, other attempts were made to prejudice him, among his supporters, with yarns of Democratic votes to repair his Republican losses. "For every Democrat who votes for me," the Senator said, "I shall expect to lose a Republican vote." And polls of legislative bolters, printed to alarm those who always want to be with the winner, were the daily offerings of the papers that were against him.

The managers of Mr. Dryden's campaign made several unsuccessful efforts to secure a caucus; the best they could obtain was a conference at which no one was willing to be pledged. Not till the very eve of the day when the two Houses were to assemble for the ballot could a meeting be arranged. Then Colby, Fake and Ackerman refused to participate in it; and Buck was in bed with appendicitis. The defection of the four reduced the Republican vote to forty. If all of the forty could have been counted for Dryden in the Joint balloting, he would still have been one short of the number needed to elect. The roll-call in this conference showed eighteen for other candidates. Avis, Cattell, Gibbs, Jess, and Jones were for Bradley; Drake, Lillagore, Manson, Minch, Porter, Ridgeway, and Taylor for Stokes; Bradley, Buxton, Chaplin, Hillery for Pitney; Devine and Wakelee for Griggs. The twenty-two who were for Dryden were not

a majority of the forty-four Republicans in the two Houses. And the conferees dispersed without selecting a candidate.

The feature of the caucus held by the Democrats for an agreement over a party candidate was the presentation of the name of Woodrow Wilson, the President of Princeton University. The eleven votes that were cast for him were those which ex-Senator James Smith of Newark had bidden to his support. Dr. Wilson even made it known that he did not consider he had a right to be mentioned, but his name was not withdrawn. Of the rest of the thirty-seven Democratic votes in the two Houses, fifteen went to Col. Edwin A. Stevens of Hoboken; James E. Martine, the "farmer-orator" of Plainfield, had six; and Judge Gottfried Krueger, of Newark, three.

There was no nomination at the caucus and the Democratic minority, like the Republican majority, went into the Joint meeting without picking their candidate. The Houses were divided politically. In the Assembly were thirty-one Democrats and twenty-nine Republicans. The Senate had fifteen Republicans and six Democrats. Stokes's friend Minch presided over the Senate. The House had made Smith's man, Lethbridge of Essex, its Speaker. They sat side by side, Minch with the gavel, however, on the dais, while Senate Secretary Rollinson called the roll of the members for their Senatorial preference. The first ballot showed this alignment:

For Dryden (R.)—Avis, Barber, Bradley, Brown, Buck, Bark, Buxton, Cattell, Chaplin, Crowther, Davison, Elvins, Frelinghuysen, Gibbs, Haines, Hand, Hillery, Hutchinson, Irick, Jess, Jones, Lee, Lewis, Lillagore, Manson, Minch, Moxon, Plummer, Potter, Ridgeway, Robbins, Shinn, Stille, Taylor, Thompson, Tillman—36.

For Griggs (R.)—Ackerman, Devine, Fake, Perkins, Smalley, Wakelee—6.

For Pitney (R.)—Colby, Drake—2.

For Stevens (D.)—Alexander, Aufderheid, Baker, Blohm, Daab, Eppinger, Hendrickson, Hinchliffe, Holzapfel, Minturn, Olwell, Riordan, Silzer, Sullivan, Tumulty, Wuztel—16.

For Wilson (D.)—Baeder, Cornish, Hahn, Klenert, Lane, Lethbridge, Mead, Merz, Price, Van Blarcom—10.

For Martine (D.)—Earle, Firth, Gebhardt, Holcombe, Morris, Pawelski—6.

For Krueger (D.)—Backus, Brady, Breunig, Corish, Groel—5.

On a second ballot, taken the same day, the only change was of the three Krueger votes to Wilson. When the Legislature adjourned for the week, Senator Dryden wondered what was the matter, and asked an opportunity to be heard. The plea was not heeded, and the balloting went on for a fortnight longer with substantially the same results. Suspicions that Governor Stokes's hand was in the deadlock led to fears that a break might send him to the Senate, and the men of the machine were even more eager to prevent that consummation than to reëlect Senator Dryden.

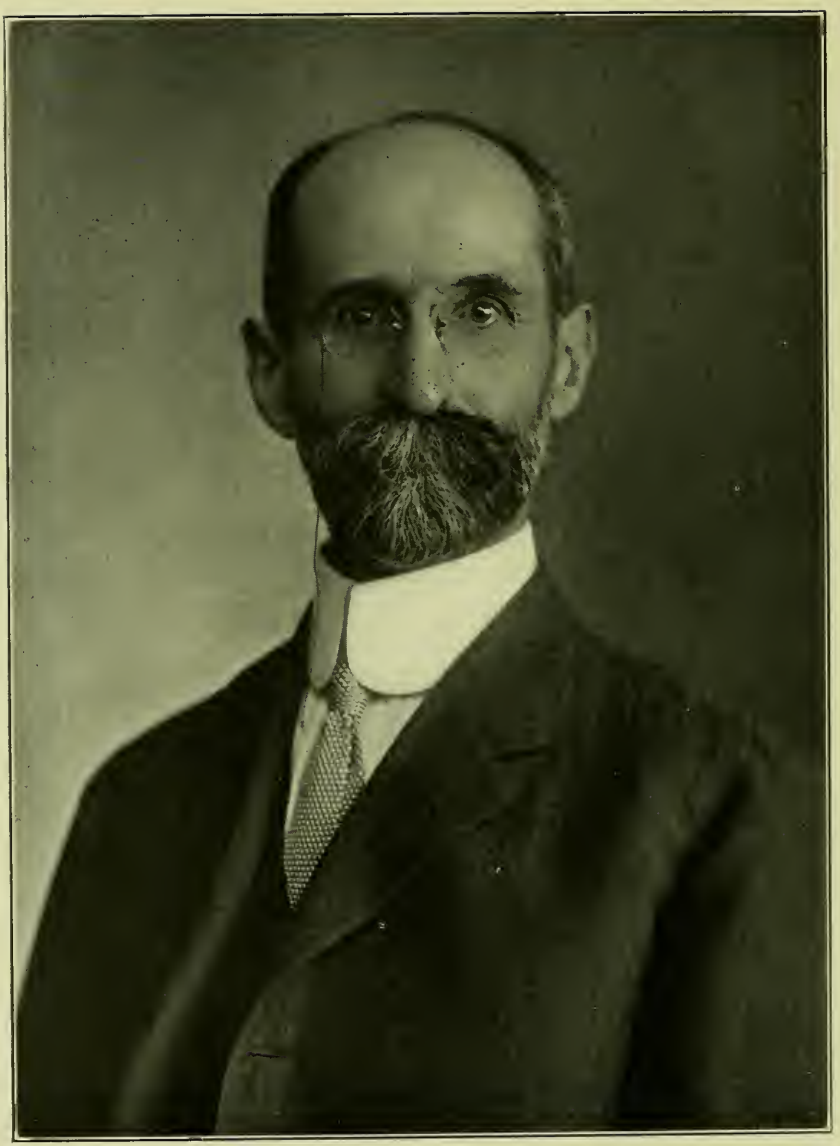
About this time Mr. Dryden, who had naturally been under a very severe physical and mental strain on account of the campaign, became seriously ill, making necessary his confinement to his Newark home during the absence of his family in Washington. After several consultations, his physicians, together with Colonel Kuser, prevailed upon him, in consideration of his health, his family, and his business, to withdraw from the contest, and he yielded his own judgment to theirs. A conference of the State leaders, including Baird, Voorhees, Griggs, Strong; County Clerk McDermott, of Monmouth; General Murray, and Thomas N. McCarter, and others, was called at his home, and public announcement of his withdrawal followed.

The conferees had naturally concluded upon the man to whom his strength should be transferred. At the moment State Treasurer Briggs was the most active figure in the regular party ranks. He was chairman of the Republican State Committee, and a most earnest supporter of Mr. Dryden's reëlection. His influence and the power his State Committee chairmanship commanded for him had indeed put in line several of the thirty-six Dryden votes. He had, too, been sufficiently identified with party reform movements in his home county of Mercer to commend him to the "New Idea" sentiment that was getting abroad in the State. The conferees concluded that he was the man most available for their pur-

poses, and arranged a caucus for his formal nomination for the Senatorship. Stokes was supposed to be laying plans for another deadlock, but before he could perfect them, the majority members were rushed together, and Briggs was made the nominee. When the houses came together the next day for a joint ballot, his election over Martine, upon whom the minority Democrats had agreed, resulted.

The new Senator was fifty-six years of age when he had the distinction thrust upon him. He was born in New Hampshire, but his father had been a major in a Jersey regiment during the Civil War. He received his early education at Phillips Exeter Academy, and would have gone thence to Harvard, if a West Point opportunity had not switched him to the nation's school for soldiers on the Hudson River banks. He had scarcely attained the lieutenancy in the regular army that came with his graduation diploma before a business chance took him to the great Roebling Mills, in Trenton. He soon afterward married a daughter of Thomas S. Allison, who was Secretary of State of New Jersey for the ten years prior to 1861, and plunged into local politics. His energies were not exerted along lines of sympathy with the Gummere-Hancock domination of the party in Mercer, and when a Republican Legislature selected him for State Treasurer Hancock felt so grievously affronted that he immediately wrote his resignation as State Comptroller.

In city affairs Mr. Briggs had been a member of the Trenton Board of Education, and served a term as Mayor. His veto, on the eve of the campaign for his reëlection, of an ordinance forbidding the employment of any but union men on city work aroused a labor antagonism that sent him to defeat, and Frank S. Katzenbach, who became the first Democratic Mayor the city had had in years, immediately rose before the public eye as a gubernatorial possibility.



WILLIAM M. JOHNSON

First Assistant Postmaster-General of the United States under President McKinley

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CHAPTER XXVIII

JOHNSON THROWS AWAY GOVERNORSHIP

A Campaign of Mud Slinging Ushers in Campaign That Makes Fort Governor—Fagan and Record Destroy Dickinson—Bob Davis Charged With Treachery by Katzenbach.

The campaign for the election of a successor to Governor Stokes, that came in the fall of 1907, was anticipated by a lot of preliminary and preparatory excitements that surrounded it with bewildering complications. The Record-Fagan-Colby anti-boss, anti-trolley, anti-railroad movement, grown in magnitude, had become a disarranging element in Republican calculations. A retaliatory investigation, inspired by Dickinson, into the work of the State Riparian Board, whose counsel Record was, had brought disclosures intended to compromise Record and the cause whose luminous sponsor he was. Record had come back at Dickinson with charges affecting his personal character that subsequently forced the Governor to demand his resignation as Secretary of State. Their control of the Assembly of the early winter had enabled the Democrats to take a hand in the scrimmage, and a committee, headed by Hahn, of Essex, commissioned to inquire into State House conditions, had smirched the reputations of some State officials of the Republican fold.

The beleaguerment of the Republican State machine by household foes within and Democratic foes without threw an air of doubt about the success of the Republican campaign that was potential in its framing up. The party's situation was so critical that the most commanding name was sought to save it. Those who had seen the trend of things had set their eye upon ex-First Assistant Postmaster General William M. Johnson, of Bergen County, for the party's rescuer. Mr. Johnson represents the very highest type of citizenship of the State. He is a man of lofty ideals and

high standards—polished and scholarly, able, and persuasive. His father had filled the office of Secretary of State in the days gone by, and his own influence and labors had been a conceded factor in molding all the public movements of recent years.

Ex-Senator Johnson had gone from Sussex County, where he was born, via Trenton where he practiced law for a time, to Hackensack in 1874 to become Bergen County's First Citizen. A graduate of Princeton, he had studied law with Supreme Court Justice Scudder, father of Wallace M. Scudder, one of the founders, and the present owner, of the Evening News of Newark. His civic activities have been one of the largest factors in the transformation that has come to his county of recent years. His participation in the larger affairs of State has not made him indifferent to home needs. He is a living force in all movements for local progress. The handsome public library building in Hackensack is his gift to his fellow townsmen.

He rose easily to a commanding position among the lawyers of the State, became interested in business and manufacturing enterprises; and what more natural than that he should be drawn into the swim of politics! He was a delegate to the National Convention that in 1888 nominated Benjamin Harrison for President of the United States, and was also delegate to the National Convention of 1904 and became Chairman of the Committee on Permanent Organization in that Convention. He was solicited to run for State Senator in 1895, and was the first Republican whom that theretofore dyed-in-the-wool constituency had ever sent to represent it in that branch of the Legislature. Re-elected in 1898, he was made floor leader that year and also in 1899 and President of the Senate in the year following. In the five Senates in which he served—the first five of the Republican regime—many sat with him who later rose to higher honors. He himself became First Assistant Postmaster General of the United States; Voorhees and Stokes became Governors; Pitney was made Chancellor and Associate Justice of the Supreme Court of the United States; McCarter was Attorney General; Vreeland was United States District Attorney for New Jersey; Cross became a United States Dis-

trict Judge, and Allan McDermott, W. D. Daly, Johnston Cornish and Lewis J. Martin went to Congress.

He was the "Watchdog of the Treasury" while in the State Senate. There, too, he had been the earliest champion of the popular demand for the elimination of the railroad grade crossings, and incidentally of the establishment of a State Railroad Commission, that foreshadowed the Public Utilities Commission of later years. He forced the railroads to some concessions on the grade-crossing proposition; but they were too powerful to make the State Board project possible. It was as the direct result of his efforts, too, that judiciary reform amendments to the Constitution had been submitted to a popular vote, and all the general legislation of the day bore the imprint of his work. His worth had commanded recognition, notwithstanding his retiring disposition, and he had the confidence of the people to an unusual degree. There was universal consensus that the party needed him to ward off the wreck that seemed impending, and the leaders had, with flattering unanimity, set aside the Republican nomination for the Governorship for him.

Senator Johnson entered with accustomed vigor upon the preparations for the campaign. He had no need to give thought to the pre-convention arrangements, but there was strenuous work to follow that could not be put under way any too soon. His health had not been robust, however, and the effort was imperiling it. Before the convention was due he was forced to seek rest in a few weeks of travel, and his physicians advised him on his return that he had better not undertake the strain of a hotly contested three months' campaign. His announcement of his determination to decline the honor that the party had in reserve for him was a perplexing disappointment that seemed to shatter all hope of success, and a season of disorganization and chaos ensued.

The disruption on the other side elated the Democrats, and they went into their campaign preparations with high hopes. But they, too, had their household differences to disturb them. The formative steps for the fall struggle were being taken under the auspices of ex-Senator Smith, with everybody guessing whether Davis, the Democratic boss of Hudson, was to be his ally or his rival. The anti-boss frenzy had spread into

the ranks of the party, and a rebellion against the domination of Mr. Smith, who, it was presumed, would be the decisive factor in Democratic councils, culminated in the formation of an anti-machine combination, pledged to the support of James E. Martine, of Plainfield, for the Governorship. This cloud above the Democratic horizon was not larger than a man's hand at the time, however, and the diversion was not accounted a serious factor in the Democratic calculations.

The exigencies of the campaign magnified the Record-Dickinson row into an absorbing sensation that threw the revelations of the Hahn committee probe into the shade. Record and Fagan had taken the control of the Hudson County Republican Committee out of the hands of Dickinson, and Dickinson had inspired the inquiry into Record's relations to the grants of State lands made by the Riparian Board. William Cloke, who was at the board's head at the time, was away along in years, and had held his position there through the favor of Governors whom he truculently adulated in the columns of the New York *Herald*. He was as clay in the hands of a man of Record's equipments, and the State's investigation indicated that the counsel was the domineering power in the board's transactions. Indeed, when the board members were asked, on the stand, to explain what could have induced them to make some almost criminally improvident grants of under-water lands, all they could do was to plead in extenuation that they had "acted on advice of counsel." One of these grants, on the Hudson River water front at $50 per foot, not only gave away lands worth many times as much, but lost to the State the right to collect rental arrearages amounting to $11,500. Incidentally it transpired that, in the transfer, Record had acted as counsel for the grantee as well as for the State, and altogether the investigation implicated him so badly as to require columns of explanation at his hands.

Dickinson had not ended his chuckle over the discomfiture he had brought upon the chief figure of the "New Idea Republican element" when Record struck back with fatal force. Dickinson's term as Secretary of State was about to expire, and Mayor Fagan sent to Governor Stokes a letter written for him by Record, challenging the Governor to reappoint him. In times past Dickinson and Stokes had been chums. Both

incidents, they had adjoining living rooms in a big apartment house near the State House. Their intimacy was so close that the Newark *Evening News* editorially declared that the Governor had had plenty of opportunities to discover that his Secretary of State was "one of the lowest type of politicians."

Fagan's opposing letter created a dilemma for the Governor, made more embarrassing by the fact that Dickinson still had a following in Hudson County that the Governor might need in his future Senatorial operations.

The Mayor's letter was not given out for publication, and for days the people speculated concerning its contents. When it was said that Fagan had objected to Dickinson's reappointment because he had opposed the party in its Jersey City control, it was realized from the sensation it had created, that that was the least exciting feature of it. Nat ell Dickinson commenced a libel suit against Fagan to recover $50,000 damages, but it became known that the Mayor had charged Dickinson with unfairness of life. Edwin L. Walker whom Governor Wilson later made the State's Chancellor first came into public notice as Dickinson's counsel in these proceedings. The institution of the libel suit did not disclose the specifications, and Fagan and Kenny laughed at the suggestion as a bluff.

Meanwhile, as the hour when the State must have a new Secretary approached, the Governor was obliged to act. The public clamored for Dickinson's dismissal. The Governor responded by sending Dickinson's name to the Senate for confirmation. In the public statement in which the Governor undertook to justify himself, he said that he would not, by prejudging the case, "condemn a fellow-citizen to disgrace without substantial proof of his guilt. . . . If in the future, my faith in Colonel Dickinson's character should prove to be misplaced, I have his written assurance that he will resign, and my own settled purpose to ask for his resignation." The arrangements for the confirmation of the nomination by the Senate had been made beforehand, and the Senate consented to the appointment by a vote of thirteen for, with Colby and Gebhardt against it.

Determined to make the exposure Dickinson was evidently so eager to avoid, Kenny soon afterward had a commission named by the Courts in New York to take the testi-

mony of New York residents for use in the libel proceedings in New Jersey. The hearings, made public in the newspapers, absorbed the New Jersey reading public for weeks. They showed that Dickinson had a home in a flat in the upper part of New York City, with a man who had allowed his wife to make several trips to Europe as Dickinson's companion. Steamship sailing lists registered the woman as Dickinson's wife. Equally discreditable disclosures of their home life were made by bellboys and janitors.

In the midst of the hearings Dickinson announced the withdrawal of his suit. That withdrawal was regarded by Governor Stokes as the confession of guilt that was to compel him to ask for the Colonel's resignation, and he sent a letter demanding it. The Coloniel replied with a plump refusal. The withdrawal, he wrote, was not to be counted against him. He explained that it had been made necessary by the *ex parte* testimony in New York, that, under the rules of the law, he could not meet till the far-distant time when the Court trial began, and that, because he was not disposed to let his enemies play with his fair fame for the months when he was barred from defending himself, he had concluded to drop the suit till he could renew it under less handicapping conditions. He felt that the explanation should induce the Governor to withdraw the demand for the resignation, and consequently refused to submit it. Dickinson was so discredited by the whole procedure that his friends fell away from him. Even the club of sycophants which he had organized in Jersey City ordered his name taken from over the club-house door. There was no way of ousting him from his State position, and, to complete the story, it may be added that he kept the office till the end of the term for which Stokes had so imprudently appointed him.

The Hahn committee's inquiry, conducted by Counselor John H. Backes, brought other Republican officials into unpleasant notoriety. The use of the State moneys for the private purposes of those having them in charge was another disclosure. The House even considered the impeachment of State Banking Commissioner David O. Watkins for taking $100,000 of the State's stationary funds to a little bank in his home town of Woodbury, of which he was a director. Mem-

bers of the Fish and Game Commission had never failed to draw every penny of the money the law allowed for mileage fees. One of them had received a check for mileage covering a month of travel in State work that he had spent in Europe. Incidental revelations of less moment were that the big-salaried department heads rendered absolutely no service to the State. Some were in their office only on pay-days, as a rule; the most industrious of them were there only one day in a week for an hour or two. William Riker, the Clerk of the Supreme Court, who was a shining light in the Colby faction, was the chief of the absentee offenders.

These unsavory scandals and ex-Senator Johnson's inability to come to the rescue discouraged the party workers, and the nomination went a-begging for a time. The quest for another whose name, like Mr. Johnson's, would be a tower of strength for the cause, was soon resumed, however, and presently the name of ex-Supreme Court Justice Gilbert Collins, of Jersey City, crept abroad. Probably no man in the State had so many warm personal friends. He had been the partner of Supreme Court Justice Jonathan Dixon in his early career as a lawyer, and the firm had commanded the cream of the practice till Dixon went on the Supreme Court bench. Later he went into partnership with the Corbin brothers, and continued with them till he, too, was made a Supreme Court Justice. The salary of the position was not sufficiently alluring, and he had resigned to resume his partnership with the Corbins.

Years before he had accepted the Republican nomination for Mayor of Jersey City. His popularity was proven by his election in that strongest and stanchest of Democratic municipalities. That demonstration of personal strength had pointed him out to the party as its best vote-getter, and every time the party faced a crisis, it prepared to fall back upon Justice Collins for its savior. When he heard his name freely used in the campaign of 1907 he discouraged it. He was then recognized as one of the busiest corporation lawyers in the State, and he said himself that he did not regard the time propitious for the candidacy of a corporation lawyer. Conceding the wisdom of his suggestion, the party workers looked further.

The movement was toward Mahlon Pitney. That, in the

campaign before, he had gone out of the gubernatorial canvass to the bench of the State Supreme Court militated against the ready consideration of his name. Justice Pitney had not encouraged his friends to urge his consideration; neither had he discouraged it, and his boom survived, to materialize in votes in the State Convention. While the party was feeling around Joseph S. Frelinghuysen, who represented Somerset County in the State Senate, extended to a number of Republican Senators and Assemblymen an invitation to be his guest at a theater party, and when it became known that the play they were to see was "The Man of the Hour," gubernatorial significance was immediately attached to it. The name the Senator bore was the greatest in the State's statesmanship and scholarship; every one realized that it was one to conjure with. And the Senator himself was big, hearty, breezy, bright, and made friends at every step he took. He was at the head of a large insurance business in New York, and a man of abundant means. In the Senate he had made a special study of the relations of the automobile, then coming into general use, to the safety, welfare, and life of the community, and the system of laws that regulate the use of the machine, with which his name had been identified, had given him a unique conspicuousness among the public men of the State. It cannot be said that the Senator ever actively reached for the nomination. But his candidacy grew in prominence, and might have eventuated in success, if he had not been taken dangerously sick while on a visit to Chicago, and kept to his bed till election day was at hand.

Ex-Governor Murphy was of the opinion that Senator Wakelee, of Bergen County, would make admirable timber for the emergency. The Paterson contingent urged the selection of Vivian Lewis, who in his two years in the Assembly had made a pleasant impression among his colleagues, and on behalf of the New Idea element in the party Colby picked Frank H. Sommer for the nomination. Sommer was the smart-faced young lawyer who had attached himself to the Colby machine, and whom the faction, triumphant in the poll that had sent its standard bearer to the State Senate, had made Sheriff of Essex County. His attacks upon the gambling and other vice resorts in Newark had kept the lower element of the city in

a state of unrest during all the three years of his service there. It was enough for Colby to say to his followers that Sommer would make a grand man for Governor. The Colby League endorsed him, and an all-summer canvass for votes for Sommer delegates to the State Convention aroused a world of enthusiasm for him. The primary was contested vigorously by both factions. But the Colby forces were able, when the smoke of the battle cleared away, to count only 103 of the 255 delegates as theirs.

The candidacy in whose behalf the opposing machine sought delegates in the State primaries was Supreme Court Justice John Franklin Fort. Just how Judge Fort came into the arena no one was ever able to tell. But he had been active in affairs for a good many years. His wife's father, Stainsby, had been the chief of the party in Essex for the best part of his life, and he lost no time in introducing young Fort to the public life of the day. Fort was helped to the bench of the local District Court by him, and then into a lucrative practice as a lawyer. He made his master stroke, however, when he allied himself with the Hobart wing of the Republican party and helped Griggs get the Governorship. In the St. Louis Convention he had made the speech that put Hobart's name formally before the delegates for Vice President of the United States. On the New Jersey Supreme Court bench he had done strenuous work for the suppression of the gambling resorts in Long Branch, and lately he had shown a little leaning in his judicial work to the "New Idea" interests. He is tall, a handsome fellow, approachable always, one of those "good mixers" whom the politicians prize, daring in his methods, and just the kind of man to rush forward where others would halt to choose their steps.

Perhaps it was a combination of these traits and incidents that made him the leading candidate when the Republican State Convention met. Ex-Attorney-General John W. Griggs presided. On the first ballot the Justice scored 744 votes to 180 cast for Lewis, 129 for Sommer, and 96 for Pitney, and was declared the nominee. When he was called before the convention to make his acceptance known, he walked across the stage to a box in which Governor Stokes was sitting, and placed a letter in his hands.

"His resignation as Supreme Court Justice!" shouted a delegate who had watched the little drama, with blazing eyes. The delegates became delirious with enthusiasm.

"It is my resignation, gentlemen!" Fort exclaimed when the cheers had subsided. "I propose to show my faith in my works. As I have no doubt of my election, I have no hesitancy in laying down my old office for the new. The resignation I have just placed in the Governor's hands takes effect immediately."

The brightening prospects of the Democrats tempted a long string of aspirants into the field for the nomination of that party. There were Col. Edwin A. Stevens, of Castle Point; Black, the defeated candidate of the canvass before; John R. Hardin, of Newark; James A. Hamill, the "Boy Orator" of Jersey City, and Mayor John Hinchliffe, of Paterson. "Bob" Davis, the Hudson boss, was disposed to favor Frank S. Katzenbach, who had just achieved a triumph in a Mayoralty contest in Trenton. Ex-Senator Smith predicted victory with ex-Judge Francis Child as the head of the ticket. And the anti-Smith, anti-boss Democratic element, relic of the old Bryan force, rolled into Trenton on convention eve shouting for Martine, of Plainfield.

The Bryan swarm made a big noise in the hotel lobbies, and Martine, mistaking their shouts for votes, even wired his friends in Plainfield that he was the "It" of the next day. When the convention met in the morning, with William B. Gourley, of Paterson, in the chair, the clamor for Martine had flickered out. His name was presented to the delegates. So was that of Mayor Hinchliffe. But the convention conferred the honor on Katzenbach on the first ballot.

The moment the campaigns had been framed up the candidates entered upon a tour of the State. The Democrats had the discreditable Dickinson incident and the Hahn committee disclosures to air before the people. Fort himself became the object of bitter personal attacks. Alden Freeman, an East Orange Socialist, and a wealthy neighbor of Fort's, tried to get a Court record to confront the candidate with, but failed to reach it. Charles A. Bloomfield, a Metuchen business man, tried to work up an excitement over a charge Fort had made to a Middlesex trial jury in a bridge litigation. The liquor

men, having heard that Fort was a church goer, began to quiz him as to his attitude concerning the Bishops' screen law. The candidate paid no heed to the Freeman and Bloomfield personalities, and temporized on the liquor question. He was quite hazy in his expressions as to the screen law in the cosmopolitan centers, but the farther he got away from them into the rural districts the clearer and louder he became in his professions of devotion to the Bishops' law and in his promises to enforce it.

Katzenbach had a less tempestuous experience on the hustings. He was a thoroughly respectable looking citizen, of the negative kind, against whom nothing could be said because there was not much known about him. He had led the colorless uneventful life of a Trenton lawyer, and made so little a record that there was nothing in it to scrutinize. The only chance of his election lay in the unsettled condition of things on the Republican side, and a lukewarmness in Fort's support, even by the party regulars, who mistrusted his devotion to their cause. Record's acceptance of his candidacy had aroused their suspicions. Public interest was tense all over the State on election day, and at night the centres of information were black with voters come to learn the result. The newspapers of the following day reported that Katzenbach had succeeded. The day afterward they printed portraits of Fort as the winner. His plurality as finally declared by the Canvassing Board was 8013. He had 194,313 votes in a total, for all candidates, of 394,284.

His triumph was followed by a storm of charges. The South Jersey Republican ringsters had stolen the election for him, it was said. The Davis Democrats in Hudson, who had, up to midnight of election night, figured 18,000 majority in that county for Katzenbach, were charged with treachery when the majority settled down to 6,400. Davis and his fellows were haled before the State Committee to explain. It transpired that in their eagerness to beat Fagan, who had been the candidate for Mayor of Jersey City again, they had forgotten all about the gubernatorial contest. Dickinson had helped them to overthrow the Fagan-Record régime in the city. The combination had succeeded in ousting Fagan, and had restored the city to Democratic rule, with H. Otto Wittpenn in the May-

oralty. The New Idea forces had done better in Essex, where the Colby leaders managed to elect four of the county's twelve Assemblymen. The four were Martin, Colgate, Hines, and Morgan. But the regular Republicans had swept the State in all other directions. The Legislature was still overwhelmingly in their hands. They had two to one against the Democrats in both branches.

CHAPTER XXIX

MURPHY FOR VICE PRESIDENT

Ex-Governor Just Misses Second Place in Nation—Fort, Suspected of Progressive Sympathies, Accused by the "Board of Guardians" of Seeking It—Smith Crowds Davis Off Democratic National Convention Ticket.

The six-foot Governor who succeeded the diminutive Stokes came to the State House in a political atmosphere in which a man of his temperament would revel. The drum-beat of the gathering factions rattled in the camps of both parties. The low roll of the coming storm rumbled in all the hills of the land. In the White House Colonel Roosevelt was declaiming against "predatory wealth," lampooning "muckrakers," "mollycoddles," and other "undesirable citizens," and scooting the leading men of the country into his "Ananias Club." And "predatory wealth," the "muckrakers," and the rest of the "undesirable citizens" were pillorying him with charges of having sold the nation to the millionaire contributors to his campaign funds, and painting vivid pictures of the "Man on Horseback" who would trample on all the sacred traditions of the people by using the powers of his great place to ride into the forbidden Third Term. Like a modern Ajax, Roosevelt stood in the midst of the storm hurling blazing thunderbolts into the black clouds of war. On the Democratic side the old-time battle between the Gold Bugs and Bryan over the Presidential nomination that seemed likely to go to him was on again, but in milder form.

New Jersey's industrial dependence upon the protection the "Big Interests" found in the laws of the land made neither Roosevelt nor Bryan acceptable to the larger influences. But both had the common people with them, and the struggle between the few big men and the multitude of little ones looked somewhat lopsided. Roosevelt, particularly, was becoming the idol of the hour, and Colby and Record were endeavoring to utilize his popularity to strengthen themselves into the dominant force in the Republicanism of the State. When they were

entertained at a White House luncheon they were immediately hailed as the Roosevelt elect, and it was quite too much for their equanimity to see Fort, after a pilgrimage to Washington to sip tea with the President, overshadow them as his high priest.

In token of his alignment with the new militant forces in the party, he was throwing sops of patronage to the "New Idea" element, and the agitators in their ranks were beginning to come into their own. He put Robert Carey, the "cock sparrow of the New Idea" forces in Hudson, on the bench of the Courts of that county. Later, William P. Martin, Colby's skillful lieutenant in Essex, was made a county Judge. James W. McCarthy, the humorist of the fold, was forced on Prosecutor Garven as his assistant in the Court House on Jersey City Heights. And at a dollar dinner in Jersey City ex-Mayor Fagan, who was afterward given a $3500 job as a member of the Hudson County Tax Board, and the flamboyant Record, who has since corraled a $2,500 berth in the State Board of Assessors, set the pace for the new movement with a speech, throwing down the gage of battle to all the bosses in the State.

When the regulars of the party saw the Governor disposed to train with their tormentors, they concluded that it behooved them to look to their laurels, and they set up a supervisory committee over him. The duty of the committee was to see that none of his vagaries found response in the legislation of his term. The regulars called it a "Steering Committee." The "New Idea" element contemptuously described it as a "Board of Guardians." Governor Fort resented its interference as a reflection on the capacity and the honesty of both himself and the lawmakers. Both, he declared, were able to do the work of the State without outside advice or pressure. Ex-Governor Murphy, chairman of the committee, responded that the safety of the party required that its work in the State should be guided by some one who had the welfare of the party at heart, and that whatever Governor Fort thought about it, the State Committee would continue to prevent "a whole lot of foolishness" by advising the Solons. They did succeed in crowding out of sight all but one of a dozen reforms to which he had pledged himself in his canvass. This, the establishment

of a State Utility Commission, was accomplished only at the end of a struggle covering his entire term as Governor, and was, after all, only a weak shadow of the powerful State department he had planned. But Governor Fort loves a fight, and the martial odor of the party atmosphere was grateful to his nostrils. He gathered his mantle around him, stepped out into the tempest, drew a long, bracing draft into his lungs, and, springing in, cut circles in the air with the abandon and enthusiasm of a petrel. Detecting a rift in the ranks of the reformers that seemed to open a path to the leadership for himself, he disported all the more madly for their eyes. The relations between Colby and Record were becoming strained. Colby was growing tired of putting up the money to spread the Record fame; Record was growing tired of supplying the brains that were making Colby notable. Colby's friends in Newark had even begun to deride Record's political aspirations. His candidacy for the United States Senate, they said, had been a wet blanket to the "New Idea" movement. They worshipped only at the shrine of the golden calf that furnished campaign funds for their self-advertisement. The process of freezing out the iridescent wit of Hudson was already under way. He made shining splurges in the name of the cause. But the strings all led to something for Record.

He pecked at this crumb of patronage, at that, and at the other, without the slightest regard to its political attachment. He was a Democrat at the start till "Bob" Davis told him there was nothing there for him; in the end he became a brevet Democrat again, when Wilson showed him there was a fat State job for him there. Between times he had been a Republican, when it was good for the State Riparian Board's counsel berth, and a Faganite when it was baited with the fat office of corporation counsel. He was the buccaneer of politics, but so bold and daring and shining and resourceful that the Colbyites, when they made up their minds to unload him, deemed it prudent to do it quietly. So the rift was not visible to everybody. It was there, however. Fort saw it, and the coming need of a new leadership tempted him to play a star's part on the "New Idea" boards.

Still, the Governor was not burning all his bridges behind him. He was throwing favors of place to some of the regu-

lar adherents. He made a Chancellor of Mahlon Pitney. The gang of regulars in Atlantic County secured the reappointment of County Judge Higbee. Even when he made an Assistant Prosecutor of funny James W. McCarthy, he divided the honors between the factions by making a State Tax Commissioner of his brother, George M. McCarthy, a dyed-in-the-wool regular of the Dickinson type. These concessions did not reassure the Board of Guardians, and they seized the first opportunity to call the turn on him and force him to a "showdown."

It came when the preparations were being made for the national campaign of 1908. He had followed a visit to the White House with an announcement of his desire to go to the Republican National Convention as a delegate-at-large. The designation belonged to his office. But there was a suspicion that he was planning to go as a Roosevelt boomer, and the air was full of rumors, besides, that he was ambitious to be named as the Vice Presidential candidate. The State powers, assuming that the Presidential nomination would go to the West, had slated ex-Governor Franklin Murphy as the Vice Presidential preference. The fear that Fort would employ his opportunities as a delegate to defeat Murphy was a further incentive to opposition to him as one of the State's "Big Four" to the Chicago gathering.

Governor Fort had anticipated their opposition, and had attempted to forestall it with legislation extending the open primary system to the election of delegates to the State Convention that was to pick the Chicago Convention's delegates. The open primary law, as it stood, reached only the delegates to the local nominating conventions. Several Legislatures had been solicited to bring the Congressional and gubernatorial conventions within its purview. But the machine bosses had defeated it as often as it was proposed. The Governor did not care to precipitate a general discussion of the whole topic in the Legislature of 1908. But he asked for a provisional act, for use in the campaign then at hand, throwing into the open primary the election of delegates to the National Convention's State Convention, and enabling the voter to indicate on his ballot his preference for the Presidency. His thought doubtless was that Roosevelt would be the preference, and that he

would go through the primary with the President, in spite of his machine opponents. The friends of Roosevelt might be able, in such a contest, to overcome the bosses in enough of the districts to give them control of the State Convention. The Legislature toyed with the act, led Governor Fort to suppose it was to be passed, then went home for the year without passing it.

At a meeting of the State Committee held just after the adjournment of the Legislature, ex-Governor Stokes called upon Governor Fort to make his choice between being named as a delegate-at-large and asking for the State's support as a Vice Presidential candidate. Other committeemen advised the Governor that he could not hope to gobble all the honors of the convention, and that he must be content with one or the other of the two proffered opportunities. Fort's answer was defiant. He would be a delegate-at-large and a Vice Presidential candidate, too, if he saw fit. At the same time he confided to his colleagues that there was not enough substance to the talk about his Vice Presidential aspirations to make a quarrel worth the while. If Roosevelt were nominated, another Eastern man could not expect to take second place on the national ticket. That little confidence cleared the track for ex-Governor Murphy's Vice Presidential boom. As the rule against dual office-holding ran quite as much to Murphy as to Fort, Mr. Murphy was eliminated as a delegate-at-large possibility.

Ex-Senator Dryden presided over the State Convention for the selection of the national delegates. His presence in the chair was saluted as evidencing his return to politics. Governor Fort, David Baird, and United States Senators Briggs and Kean were named as the delegates-at-large, and a resolution named ex-Governor Murphy for the Vice Presidency and pledged the delegates to use all efforts to secure the honor for him.

The Presidential preferences of the delegates formed a topic for speculation up to the very hour when the Chicago Convention met. A caucus held in the Windy City gave the first indication of their variances. Barbour and Allen, of South Orange, were for Fairbanks. Blair, of Hudson; Loudenslager and Armstrong were for Cannon; Briggs, Baird,

Robbins, and Hand were for Knox; Fort, Kean; Blair, of Somerset; Smith, Roebling, McCarter, Williams, Ackerman, Ramsey, Garrison, Webb, Ward, Dear, Garven, and Gonzales were for Taft. Governor Fort was made chairman of the State's delegation after Kean had declined the place. The stone that was to have been rejected had become the cornerstone. Ex-Attorney General McCarter served on the Committee on Resolutions, and ex-Governor Murphy was chosen to represent the State on the National Executive Committee.

The nomination went easily enough to Secretary Taft; but there was a spirited contest for the distinction of being his running mate. The National Committee had lined up in favor of ex-Governor Murphy; the Presidential nominee himself regarded his candidacy favorably. The vote in the convention exhibited a strength that convinced Mr. Murphy's friends that he was to be selected. But at the last minute a political exigency arose that made it necessary to make concessions to the New York State Republicans, and "Sunny Jim" Sherman, member of Congress from New York, was given the position.

The Democratic National Convention was not held till the second week in July. Roosevelt's radicalism had relegated Bryan to the rank of a conservative, and he was regarded with less apprehension by the "Big Interests" than in previous campaigns. There was an undercurrent against him that might have been easily overcome, but that the death of ex-President Grover Cleveland, at his home in Princeton, on the very edge of the convention, came as a tragic protest against the Bryan ascendancy in the party. Ex-Senator Smith, of Newark, who had taken the reins of power into his hands again, had already set his face against Bryan, but it was rather to emphasize his leadership over "Bob" Davis, the Hudson boss who had openly declared that it would be Bryan or nobody for the New Jersey delegates. The ex-Senator made it known, in his own peculiar way, without openly declaring it, that no Bryan men need apply for honors to the State Convention, and that Davis was to be rejected as a State delegate-at-large to the Denver gathering at all hazards.

Ex-Mayor George A. Viehmann, of New Brunswick, presided, as a consequence, over the most disorderly convention the Democrats had held of recent years. His speech was a

brilliant assault upon "the Big Stick" policy in national affairs, but there was little sympathy for the Bryanites in its text. The Davis men clamored boisterously for James E. Martine, of Union; ex-Congressman Cornish, of Warren; Thomas H. Birch, of Burlington, and Robert Davis, of Hudson, as delegates-at-large. Smith exhibited his mastery of the convention by electing ex-Mayor Katzenbach, of Trenton; ex-Senator John Hinchliffe, of Paterson; ex-United States Senator James Smith, of Newark, and Howard Carrow, of Camden, to the four big places. Ex-Congressman Allan Benny, of Hudson, attempted to rush through the convention, after the mass of the triumphant Smith delegates had left the hall, a resolution committing the delegation to the support of Bryan. A furious uproar ensued. But Chairman Viehmann was equal to the emergency. Ignoring Benny's frantic demands to be heard, the ex-Mayor entertained Senator Smith's motion to table, and declared it carried, and the convention adjourned—all in one breath.

Davis went to the convention as a district delegate from Hudson. When the State's delegation caucused in Denver they declared for the nomination of Judge George Gray, of Delaware, for the Presidency. Davis declared he would never be found by the caucus action. But when the State was called for her preference in the balloting he was voted along with the twenty-three other delegates from New Jersey for Gray. The roll-call showed a handsome majority for Bryan, and Davis had the satisfaction of being named as one of the committee to inform the Nebraskan of his nomination.

Ex-Governor Murphy's defeat for the Vice Presidential nomination in Chicago did not impair his devotion to the Taft fortunes in the campaign that followed. He was persuaded to resume the chairmanship of the State Committee, and his generalship soon turned the tide overwhelmingly in Taft's favor. The State gave her electoral vote to him by a plurality only 5000 short of the record plurality by which McKinley and Hobart had taken her in 1896. Taft had 40,000 more votes than McKinley had polled in either of his campaigns with Bryan. But Bryan's vote was also 50,000 votes in excess of that the State had given him in 1896. The vote stood: Taft, 265,398; Bryan, 182,522. Taft had a clear majority of more than 60,000 over all the candidates in the field.

CHAPTER XXX

STATE SEIZES SCHOOL MONEYS

Big Treasury Balance, on Paper, Vanishes When Creditors Call, and $1,000,000 of Educational Fund Disappears in Current Expense Account—Frelinghuysen Inquiry Ends in Reorganization of State School System—Life Tenure for Teachers.

Before the 1908 Legislature adjourned, Governor Fort gave the State and the party a jolt with a special message exposing a deceptive system of financing. His suggestion that a shortage of close on to $1,000,000 in General Fund might be met by charging to the School Fund some expenditures that had been charged against the General Fund awoke the echoes. For campaign purposes State Comptroller West had reported an enormous balance in her treasury at the close of the fiscal year in 1908. It showed how wonderfully prosperous the Republicans had made the State—on paper—a bookkeeper's balance, stage money. At that very moment the State Treasurer was fencing with her importunate creditors. He could not draw checks in settlement of their claims because he "hadn't the money." Tempted by the Commonwealth's abundant income, the Stoke's Legislatures had grievously overstepped the mark. The 1908 Senate, too, with Hillery in the chair, and the Republican House, with Jess for Speaker, had run riot in the appropriation bill. The expenses of the government in Fort's first year had run up to $8,500,000. Between 1903 and 1908 the State had managed to get rid of $28,099,655. Her receipts meanwhile had been only $27,906,434. The shortage of about $190,000 had been increased to a round million by the extravagances of the 1908 legislators. The Governor feared that a State tax would be necessary to meet the deficiency and to enable the State to maintain her household on the same prodigal basis. The State's pride was her ability to carry on her government without appealing to the taxpayers for funds. Not since Abbett tore the "irrepeal-

able contracts" of the railroads into tatters and brought them within the reach of the regular taxing machinery of the State in 1884, had New Jersey householders been called upon to pay a State tax. The suggestion that one might be coming now threw them into such commotion that the Legislature of 1909, to which the legacy of debt fell, realized that some other way out of the complications must be found.

Matthews, of Hunterdon, proposed that twenty per cent of the liquor money be seized by the State. That would add $550,000 a year to her revenue, and would also take $550,000 a year out of the income of the localities. These set up a wild protest against the diversion. Fort's proposition that all the main-stem tax money, now partly paid to the localities, be taken for State uses aroused another whirlwind. It was then the school moneys were pounced upon. The State had in her hands at that time something in excess of $1,000,000 that had been collected for school purposes, but had not yet been redistributed among the school districts. This had been allowed to run, through subterranean channels, into the State's general fund. That it had gotten there by devious routes did not discourage proposals that it be kept there. The Governor suggested that a rearrangement of the times for the distribution of the school moneys might enable the State to hold the million for use in settling her overdrawn accounts. The school men could not object to the use of their funds as effectively as the politicians had opposed the diversion of the main-stem and liquor receipts upon which they were subsisting, and their clamors for their held-up cash were unheeded. The million stuck in the strong boxes in the State House, into which it had been smuggled. The statesmen of the Commonwealth have always guarded the school fund with jealous eye. The people have a reverential regard for the institutions in which their children are tutored, and Governor Fort was forced to do a lot of special pleading to defend himself against the attack this seizure of the school moneys provoked. The school boards suffered long for the need of their retained moneys, and it was not till the Legislature of 1913 provided for the prompter distribution of the fund that relief came.

The passage in 1909 of the Radcliffe tenure of office act for teachers came, however, as a sort of compensation to their ruf-

fled feelings. The statutes of New Jersey are loaded down with tenure of office devices of one kind or another. When a crowd of officials found themselves in possession of the public places they rushed off to Trenton with acts, furnishing a pretext of some kind, for holding possession of them forever. One law perpetuates the gift of a public position into which a veteran of the Civil War creeps. The sentiment that had promoted this enactment was invoked by the young fellows who did camp duty somewhere during the Spanish-American "War," in a demand for a law that secured their public places to them for life, too, as "veterans." The beardless "veteran" of that inglorious contention is one of the paradoxes of official life in New Jersey. The squads of policemen who found themselves in possession of billies twenty years ago swarmed to Trenton with a law that made them all club wielders for the rest of their days. They could be removed only for cause, and the Courts could say, if removal were attempted, whether the cause was sufficient or not. The paid firemen could see no reason why they should not be guaranteed life tenures, if the police were to have it, and they were next put beyond the vicissitudes of political changes with an act patterned after the policeman's law.

Thus, between tenure of office schemes and a civil service law that is often provocative of a mighty uncivil service, the city halls and county buildings are filled with placemen who have succeeded in legislating themselves into eternal possession of their offices, and the State is under the thumb of a hoary-headed autocracy of intrenched officials, so insolently independent in their security that they have come to regard themselves as the masters—and no longer the servants—of their people. They are a law to themselves—these tenure-of-office policemen and tenure-of-office firemen, and "veteran" act clerks and water measurers and draughtsmen, and "civil service act" swarm of "merit system" appointees. Above the necessity of catering to the public they are supposed to serve, they can be gracious or tart, yielding or arbitrary, as they please, and none can say them "nay."

Such a system of "unbounceable" officialism finds its reflex in the unprogressiveness of local systems, and in the decline of the public spirit that prompts the man, with hope of prefer-

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ment ahead, to interest himself in public affairs. It robs the political life of the State of its inspiration. The contentions for place lose their briskness and sparkle in the loss of their reward. Men have no time and less inclination to engage in public agitations that bring no recompense to them. The bright young men who, with proper inducement, might think out new things for the public welfare, employ their wits in other directions where profit lies for them, and the community goes to sleep with the snoring seniles who crowd the public places. Ex-Governor Stokes, who saw the enervating effect of the endless tenure systems upon the public welfare, and yet, maybe, unwilling to brave the unpopularity of open opposition to it, suggested, in one of his brilliant orations, that a time limit be put upon the place grabbers. There was no incentive even to party effort if the men of the other party were to keep on holding all the public offices, and he favored a periodical rotation of the eligibles that would give the communities at least an occasional chance to bring new blood, new energies, new standards, new ideas, and new inspiration to their service.

Something of this view led the school men of the State to array themselves, as far as they deemed it prudent, against Radcliffe's teachers' pension bill when he offered it to the Assembly in 1909. With the heads of some of the local school departments the fear of antagonizing their staffs of assistants was restraining. But most of them found a way of making known their disapproval of a system that would block displacements and dismissals required to keep the school régime young and fresh and vigorous and abreast with the times. Education is but another term for progress and development; if there is a governmental department in which progressiveness should be unhampered and uncrushed, it is the school. Ex-Judge Frederick F. Guild, President of the Newark Board of Education, voiced the objection of the leading educators when he appeared in opposition to the Radcliffe bill. But the Legislatures of other years had set the tenure of office precedent for public workers far less deserving, and Governor Fort and the Legislature yielded to the teachers' pressure for it.

Passed in March, the act was not to become operative till the opening of the school term in September. The local

boards were, for several months, free to reorganize their staffs in preparation for the change in tenure. The pedagogues, particularly those advanced in years, were apprehensive that the boards might improve the opportunity to start the new system with a new equipment. But the teachers' influence that had exhibited its power by securing the passage of the act was also potential to save them from disturbance before they could get under its wing, and the new rule went into operation without noticeable friction.

The last Legislature of Governor Fort's administration gave the school people of the State another tremor, as the result of an inquiry into the management of the schools by the State and district authorities, set on foot by Senator Frelinghuysen, of Somerset. Views differed as to the secret of its inspiration. A Democratic Assembly commmittee had set all South Jersey a-quiver with its probe into Republican election and official rascalities in Camden and Atlantic Counties. The school investigation set under way by the Republican Senate, which uncovered Democratic scandals in Hudson, may have been designed as a campaign offset. But there were intimations of a more sinister animating motive. Ex-Governor Stokes was forced to columns of public explanations by some of its revelations. The ex-Governor's devotion to the Roosevelt and anti-boss cause of the day had made him *persona non grata* to the Republican regulars, and there were those who insisted that he was the target Frelinghuysen was aiming at. The committee interested itself largely in an exposure of the irregularities that had attended the laying of the insurance upon school properties, and in his defensive letters Stokes intimated that Frelinghuysen had attempted to utilize his probing powers in the interest of the large insurance concern he himself conducts in New York.

Whatever motive prompted him, the Somerset Senator kept the people interested in his work for some months. His committee traveled from place to place to acquaint itself with the methods of the district school trustees, and every time it turned a spade it uncovered a more or less unsavory scandal. One that involved John McMahon, a "Bob" Davis lieutenant in a town in the upper part of Hudson County, was specially featured both by the committee and by McMahon. The committee

exploited the scheme by which McMahon, who was the treasurer of the town's schools, had stirred the townspeople into the conviction that they must have a new school building, and then unloaded upon them a site that no one wanted, to the enormous profit of himself and the town officials who purchased it from him. There was the shadow of an otherwise invisible partner in the background. The committee hoped, by calling McMahon to the stand for explanation, to identify the hidden participant. But when it sent its subpœna after him, the process server was unable to locate him, and he kept beyond his reach till the committee had closed its labors. Trails of profitable irregularities in the purchase of school properties by trustees were so abundant as to show that the laws needed a lot of tightening up for the better protection of the school funds.

The committee concluded that conditions would be improved if the State Board of Education were invested with arbitrary and inquisitorial powers. The State Board at that time consisted of twenty members, with the venerable James L. Hayes, of Newark, as their President. The committee's suggestion that the twenty be reorganized out of office and replaced with a more virile smaller number, was ratified by the Legislature of 1910, and Senator Frelinghuysen himself became a member, by gubernatorial appointment, of the reconstructed board. The acts passed in pursuance of the committee recommendations called for the appointment of a Commissioner of Education, with larger discretion in the matter of arranging systems for the administration of school affairs, in fixing tests for efficiency, in the distribution of the school moneys among the districts and their use by the local trustees. The selection of this school autocrat was submitted by Governor Fort to his successor, and Dr. Wilson, freed by the terms of the act from the necessity of taking him from among the State's own school men, went out West to call Calvin M. Kendall, Superintendent of the Indianapolis schools, to fill the $10,000 position.

The attempt of the new Superintendent and of the school boards to establish, by an act of the Legislature of 1912, a uniform standard of efficiency among pupils and instructors on a minimum examination basis, set the school men all over the State talking and writing letters to the press in terms of vio-

lent protest. They insisted that the minimum examination rule would lower the school standard, and must work to the disadvantage of educational work in the State. The real secret of the excitement, however, was said to be fear on the part of the teachers of the test of efficiency to which the new rule would subject them. The principals and teachers succeeded in making themselves felt sufficiently to force a compromise that leaves the school districts free to make their own rules as to promotions, but still leaves the State Board free to ascertain the fitness and efficiency of the school staffs by whatever tests it deems advisable.

CHAPTER XXXI

FORT PROBES LIQUOR TRAFFIC

Fisk Commission Makes Startling Exposures of Conditions That Attend Administration of Excise Laws—Regulations the Communities Would Not Let Their Officials Enforce—Drunkenness in "Dry" Towns.

Ever since the passage of the Bishops' liquor law, both sides had been unrestful. The temperance people were not satisfied with the operation of the Sunday screen provisions. They had been too easily evaded through the loopholes the Stokes legislature that passed the bill had left in it—or, rather, put in it. The barmen were conducting their Sunday traffic with as little interference as before. The spectacle of the notorious "Continental Sunday" at Atlantic City was particularly irritating to the church sentiment. There was agitation for new rigors of law that would compel compliance with the Sunday observance regulation. The saloon men were quite as dissatisfied with the provisions. The screen law was the object of their attack, too. They wanted it taken out of the law, even more than the ministers wanted it kept there and new energy given to it. The liquor men, advised by Hudspeth, their counsel, that the screen clauses were unconstitutional, had hoped to escape it with the aid of the court. But Hudspeth did not know what he was talking about; and their suit to overthrow the law had gone against them in the Supreme Court, and a decision sustaining its ruling came from the Court of Errors in the midst of the turmoil. The "liberal" element in Newark, confident of its local strength, set up a demand for "home rule" treatment of the entire saloon problem—which had been suggested as the proper solution of the problem, in the letters of a casual correspondent of one of the local newspapers—and Mayor Haussling and the Commonalty of the City later asked the Legislature to pass an act of that tenor. Atlantic City, bent upon the Sunday traffic that made it the

most populous summer resort in the country, likewise wished to be allowed to deal with its home interests in the same way. There was an odor of local option in the suggestion that made the brewers shudder.

The topic was so pressing a one that the Convention that named Fort for Governor had been obliged to treat it; it handled it, however, with its finger-tips. Afraid to declare openly for the Bishops' law restrictions and afraid to repudiate them, the delegates had declared in an indefinite sort of way that "the Republican party had accomplished needed reform in excise legislation, and hereby pledges itself to the maintenance of it." The matter was put before Fort the moment he entered upon his "whirlwind canvass" of the State for votes. In the cosmopolitan localities he was for "home rule with all his heart." As he went further south he was for Sunday observance, till his voice was lost in the pines of Ocean.

He had been Governor for less than three months when local complications fed the excitement. Sommer, the Colby Sheriff of Essex County, was enraging the German liberal element in the most populous of the counties by persistent raids on the Sunday sellers, and the grand juries were as persistently scouting his proofs against them. In Hoboken Recorder McGovern had just given the liquor men a new point in evasion by the discharge of 150 barkeepers from custody on the ground that the police had not proved to the Court's satisfaction they were not of the classes exempted by the Law. At the other end of the State, the Law and Order League was sending boys who looked like men to the bars of the Burlington hotels to buy liquor, and, when they were served, rushing them off to the grand jury room in Mt. Holly to testify in charges of sales to minors. The State was full of liquor excitements.

Governor Fort was convinced that the even enforcement of the law, everywhere, could be accomplished only under State supervision, and he urged the establishment of a State Excise Board. He was in favor, too, of a higher minimum license. He would not allow transfers of licenses. The liquor men arrested had put their accusers to proofs that the stuffs they had served on Sundays were beer or whiskey; the Governor would have the furnishing of any kind of drink at a bar conclusive evidence that the barman was selling intoxicants.

These things he had advised in communications to the legislature. There were so many interests to be considered, and so many views to be met, that Senator Wakelee of Bergen proposed, in the Legislature of 1908, that the Governor appoint a special commission and invest it with full process powers, to make inquiry. The legislature, glad to escape responsibility for definite action, consented. The Governor named among the Commissioners Charles J. Fisk, then Mayor of Plainfield; Peter Backes, of Trenton, who had drawn the Bishops' Law; ex-Senator George Greeley Smith, of Ocean; John Howe, of Newark; T. Frank Appleby, the Prohibition Mayor of Asbury Park, and Caleb Van Husen Whitbeck, Editor of the *Hackensack Record.*

Mayor Fisk was made Chairman. He was of the Wall Street firm of Harvey Fisk & Sons, that financed the McAdoo under-river tunnel, and had long been conspicuous in the politics of the State. He had been delegate or alternate to some Republican National conventions. Plainfield, whose Mayor he was, would tolerate but few saloons, and from each of the few it was exacting a license fee of $1000. A few weeks before his appointment he had been foreman of a grand jury that, in a presentment to the courts in Elizabeth, had charged that the liquor interests dominated the government of Union County. The brewers, who are masters of the liquor interests of the State, saw no mercy in a commission so chaperoned.

The Commission's sittings in different parts of the State brought volumes of sensational disclosures. The chief of them revealed the extent to which the saloons were owned by the brewers that supplied them with their beer. Almost all of those in the cities of Paterson, Newark, Jersey City, Hoboken, Trenton, Camden were brewery owned.

"Oh, yes," admitted City Comptroller Donohue of Paterson, "at license renewal times, the brewers just send us a check for $30,000 for fees with a list of names of those in whose names the licenses are to be drawn."

The same methods were followed in others of the cities. For his security, the brewer took back a power of attorney that enabled him to dispossess a licensee at will. Charles Bradley, the head of the Ballantine brewery industry, explained that wholesalers in other lines of business set up local trades-

men; and that the brewer's power of attorney was in the nature of a chattel mortgage to assure the return of the loan. A check upon the transfer privilege was regarded as one of the remedies for this state of affairs. It led to the introduction into the Legislature of 1913 of an act specifically forbidding a brewer to own a saloon, or to have any pecuniary interest in it, and as specifically forbidding contracts by which any barman bound himself to serve only one brew to his customers, but the brewer influence defeated its passage.

Some of the chiefs of police were timorous enough to claim that their orders for Sunday observance had been implicitly obeyed since the Bishops' law went into operation.

"Well, now," asked Chairman Fisk of the police chief of Perth Amboy, "do you know that sixty-eight saloons in your town were doing an open business last Sunday?"

"Why," the chief gasped, "I am horrified, sir."

Assurances of the same kind by other chiefs were met with the same inquiry. The Commission made it a point to set its sleuths on watch on the Sunday before its visit to a place and were fortified with the proof that "scandalized" the protesting police witness who could not believe that things were so awful in his town. More candid officials confessed that their efforts to enforce the law were hopeless. Their people would not submit to the Sunday deprivation.

Prosecutor Mott, of Essex, had no hesitation in advising a modification of the Sunday features of the law. Grand juries in his county had no respect for the testimony of the Sunday spies of the Anti-Saloon League. Prosecutor Goldenberg, of Atlantic County, knew that Atlantic City was a Sunday riot, but there was no use of putting cases before the grand jury; the grand jury would not consider them. In Hudson County a Jersey City Excise Commissioner, caught with his saloon wide open on Sunday, had demanded a struck jury for his trial. The court had left the selection of the panel to its stenographer. The Commission was shocked to hear that of those whom the stenographer drew, one was under two indictments for embezzlement; a second was a close friend of the accused saloon man; a third had been his barkeeper; a fourth was an indicted ballot stuffer, and two others had gone into

court so uproariously intoxicated that the Judge sent them home.

While these disclosures of the reluctance of trial bodies to fly in the face of the sentiment of their communities, by attempting to enforce restrictions the communities will not observe, were being made, Atlantic City came into view, with a startling and sensational object lesson on the point. She was treating the State to the spectacle of "wide-open" midsummer Sundays, under the protection of grand juries whom the people would not allow to indict the offenders.

In the same line was the testimony of other witnesses that the local excise boards uniformly refused to make offending saloon men pay the penalty of their violations by taking their licenses from them. The Commission's purpose in seeking evidence along these lines became manifest in its recommendation to the Governor that, as the enforcement of the law was beyond the power of the local officials, it should be undertaken by a State Board, which, not responsive to local influences, would see that the communities obeyed it whether they favored it or not.

The Commission made an exhaustive inquiry into conditions prevailing in the South Jersey localities that banish the licensed saloon. In Cumberland and Camden are some comparatively small municipalities whose charters, granted in the days of special legislation, forbid the granting of licenses. Vineland, founded by Charles K. Landis, soon after the Neal Dow prohibition campaign began, is the original temperance town in the State. Millville and Bridgeton, also in Cumberland, and Haddonfield, in Camden, are operated under prohibition charters. The Commission's inquiry uncovered more secret drinking places in these presumably "dry" localities than any license locality equal in size would tolerate. The towns were framed around with "beer farms"—orgy spots in the woods and fields where enterprising sellers kept kegs of beer on tap. "Beer arks" peddled liquor from door to door all through the "dry" territories. Church deacons accepted rent for resorts they had leased for speak-easies. The railroad freight houses were stacked with liquor consignments twice each week. The druggists were the saloonkeepers of the localities. Millville was receiving 1200 cases of beer a week.

And the arrests for drunkenness in these places showed a larger ratio to population than any license locality exhibited.

While its investigations were of absorbing interest to the people when they were in progress, the Commission's labors resulted in no essential changes in the law. It submitted a long report to Governor Fort, and he endorsed its recommendations in a message to the Legislature that paid no attention to them.

Quite at variance with the tenor of this report was that made by a Commission to inquire into the causes of dependency and crimes, appointed by Governor Fort the same year. On that commission were ex-State Senator Michael T. Barrett, Dr. Charles A. Rosenwasser of Newark, Mrs. Caroline B. Alexander of Hoboken, Benj. Boisseau Bobbitt, Editor of the Long Branch *Record,* the Rev. E. A. Boom of Camden, Police Chief Benjamin Murphy and E. A. Ransom, Jr., of Jersey City, and Mrs. Emily E. Williamson of Elizabeth. Prof. John D. Prince of Columbia University, afterward Acting Governor, whose bill created the body, and who could not serve regularly because a member of the Legislature, was made an advisory member.

The Dependency Commissioners investigated vice and excise conditions personally and by detectives in various sections of the State, and in State and County institutions, holding a number of hearings. A special report on Atlantic City conditions, which were exposed later under Governor Wilson, was sent to Governor Fort in the Summer. There was a sensational exposure of the whipping of girls in the State Home at Trenton, but the management was finally exonerated.

In their report, concurred in by all except Mr. Boom, who was a prohibition lecturer and made a report of his own blaming liquor for most of the evils in existence, the Commissioners recommended much new legislation. Besides advising more stringent marriage laws and laws against the carrying of concealed weapons and sale of narcotics and drugs, a campaign of health education by circulars; separation of juveniles and the sexes in institutions; a State prison farm; abolishment of the boards of managers of institutions and the centralization of control in a Commission of Charities and advisory board; abolishment of corporal punishment and other reforms in in-

stitutions; more tuberculosis hospitals and segregation of those infected, and making relatives of insane who were able to pay for their maintenance do so, this Commission recommended the repeal of blue laws against Sunday sports and permitting them under regulations on Sunday afternoons, and legalizing the sale of wines and malt liquors in licensed restaurants and hotel dining rooms with meals on Sundays as means of increasing respect for laws and ending graft. Commissioner Bobbitt, who took the initiative with respect to the Sunday freedom recommendations, was active subsequently in urging them. He argued for them at length at legislative hearings. He had been particularly interested in the testimony, before the Commission, of Judge John E. Foster of Monmouth County, to the effect that it was impossible to enforce the inhibitory laws, and in the Judge's suggestion that the licensing Judges be empowered to grant special licenses for the serving of liquors with meals in resorts like Long Branch and Atlantic City on Sundays. Mr. Bobbitt supplemented the report with another urging more night schools, particularly for foreigners, use of schools for social centers and payment of at least a third of wages in currency bi-weekly.

These details of the Dependency and Crimes Commission report are in the nature of digression. But public interest centered in its liquor conclusions. There had been as much speculation, when the two Commissions were sent afield, as they were, at the same time, as to the line the Dependency and Crimes Commission would follow in the treatment of the liquor question in its relations to dependency and crime. The Legislature left its report untouched as it did that of the first Commission.

However, the educational value of the two commissions was worth all the State expended on them. They pointed out directions in which action is required, and laid the foundations for reforms that came in later years. The suggestion of the Fisk Commission that the multiplication of the saloons should be prevented found its echo in the passage of an act by the Legislature of 1913, embodying it. The liquor organizations themselves, under the prod of a widespread sentiment, secured the passage of an act offered by Ledyard of Union, limiting their number to one to 500 inhabitants. In many localities

the ratio was far in excess of that. Those in business, however, were not to be disturbed by the terms of the act, and its only effect can be to check the issuances of new licenses. The liquor men were the more ready to promote the passage of the act because, in protecting existing businesses and in guarding them against new competitors, it gave them a monopoly, and to their licenses and saloons a status of property, which the Courts have refused to concede to either.

CHAPTER XXXII

EPOCHAL BOOM IN STATE GROWTH

New Population and New Enterprise Follow Under-River Terminal Opening and Larger Transit Facilities—Figures That Tell the Inspiring Story—Trolley Concerns Saved From Bankruptcy by New Company That Has Spent $70,000,000 in Betterments.

The most enormous impulse given to New Jersey of recent years—the most helpful boom she has known since the railroads came to open her forest lands to homes, and became the masters of the State they had made—came in Governor Fort's administration, in the opening of the tunnels under the Hudson River into New York, and the enlarged attendant facilities the Public Service Company provided. The new under-river access to New York makes the ferry service, at the Hudson River front, though only a few years superseded, look like a relic of the Middle Ages; and a new population, grateful for the opportunity of the larger freedom of New Jersey's open spaces, is pouring into the State, bringing wealth and business with it, faster than New Jersey can find shelter for it all.

Away back in the seventies of last century, New Jersey had been looking for the closer communication with the Metropolis across the stream, which has come to her only within the last decade. She thought the hour of her deliverance had arrived when Col. D. C. Haskins, a nervously energetic little Englishman, began to sink a shaft at the foot of Fifteenth Street, Jersey City, for an under-river tube into New York at Morton Street. The Colonel had unbounded faith in the success of his enterprise till a break in one of his compressed air caissons let the flood in on his workers and drowned twenty-one of them like rats in a cage. His English backers lost faith in his scheme when that happened, and he found himself without further funds when he had tubed six-

teen hundred feet from the shore line. Years afterward another body of Anglicans undertook to push the tube further into the river, but abandoned the effort when 1,200 feet more had been completed.

The tunnel lay flooded with water for many years thereafter. Then William G. McAdoo came from Tennessee, a young lawyer, to hang out his shingle in the lawyers' region of New York City. His shrewd Yankee face reflected a shrewd Yankee mind. The law was all too slow for him. He hunted around for something big to engage him, and finally fell upon the enterprise on the Jersey shore that two companies had abandoned. The magnitude of the enterprise, the magnitude of its possibilities, and the difficulties that seemed to put both beyond human reach, aroused his energies. An inspection of the drowned tubes, both still intact, convinced him that the completion might be accomplishable; he concluded to undertake it. He succeeded in interesting Walter G. Oakman, president of the Hudson Construction Companies, and Pliny Fisk and William M. Barnum, of the powerful banking house of Harvey Fisk & Sons; and the work was set under way, under the supervision of Charles M. Jacobs as Chief Engineer and J. Vipond Davies as his deputy.

As many as 5500 men were employed at one time in carrying forward the link between New York and New Jersey that it cost about $70,000,000 to establish. Steel tubes were laid to Christopher Street in one direction, and to Cortlandt Street in the other. The Christopher Street line was carried into the heart of the shopping district in New York City, and the subway on the Jersey side was extended all along the river front from the Pennsylvania station on Exchange Place, Jersey City, to the Lackawanna terminal at the foot of Newark Street, Hoboken. The river tunnel from Cortlandt Street was extended underground in New Jersey for a train service that now makes it possible to travel from Newark to Church Street, New York, in twenty minutes; or, by the Christopher Street tube, to Thirty-third Street, New York, in an even half hour. Contemporaneously with this magnificent development, the Pennsylvania Railroad Company, under the auspices of its president, Alexander J. Cassatt, instituted an electric service, for its passenger traffic, across the Meadows

to Weehawken Heights, through the base of the mountain there, and then under the river to its imposing terminal at Thirty-second Street and Seventh Avenue, New York.

The men of the East were not slow to realize that these wonderful feats of engineering skill were to open new home lands to them, and they anticipated the certainty of their completion by flocking to New Jersey while the artificers were still welding the steel rings into the new highway of travel. This was to bring the ample lawns of New Jersey closer to their workshops than were the rows of pigeonhole flats of Brooklyn to the east or of Harlem and the Bronx to the north.

New Jersey felt the spring of a new destiny as soon as the under-waterways began to take definite shape. Jersey City, between 1905 and 1911, put $36,000,000 in new buildings for her coming citizenship. Newark invested $75,000,000 in new homes. Newark is the pulse of the State. She throbbed with new life at the first assurance of the new opportunities in store for her. Her 246,000 people of 1900 had multiplied to 347,000 in 1910; her ratables had leaped from $148,000,000 to $344,000,000; her aggregate banking and building and loan revenues from $52,000,000 to $173,000,000; her manufacturing capital from $103,000,000 to $149,000,000; the product of her mills from $126,000,000 to $217,000,000; her mail service from 59,000,000 to 151,000,000 pieces; her trolley passengers from 69,000,000 to 137,000,000; her freight traffic from 3,300,000 to 7,500,000 pieces.

Other localities had bounded along at the same pace. Bergen County had jumped, in population in this decade, from 78,000 to 138,000; Essex from 359,000 to 512,000; Hudson from 386,000 to 537,000; Morris from 99,000 to 140,000. Passaic City had in 1910 just doubled her population of 27,000 in 1900; Bayonne had done almost as well, with 32,000 in 1900 and 55,000 in 1910.

The population of the State had gone up from 1,883,669 in the one year to 2,537,167 in the other; the capital invested in manufactories from $477,300,000 to $977,172,000; their output from $553,000,000 to $1,145,000,000; the taxable property from $864,516,527 to $2,289,770,280. The com-

munities ran so much into each other that it began to be difficult to say where one ended and the other began; and prophecies that they would soon all be welded into one splendid municipality, from Paterson and Hackensack on the north, to Elizabeth on the south, and extending westward to the crown of the Orange Mountains, that would overshadow Greater New York, found easy credence. And through the tunnels, when they were finally opened, came a more overwhelming deluge of new folks. The year's report shows that the tubes carried more than 58,000,000 passengers in 1912.

The Public Service Corporation of New Jersey had come upon the scene at the psychological moment to provide the larger facilities these expanding conditions demanded. Its enterprise added new territories to the home era for the multitude who were already turning their eyes toward the State; its extended and amplified conveniences made the older settlements so comfortably easy of access, and so equipped them with modern living improvements, that all the waste spots in them were obliterated. The concentration of the public utilities that had been scattered over many of the most progressive counties came opportunely to make possible the adequate preparations for the inevitable onrush.

It was about 1903 that the movements for the under-river and over-land enterprises began to take the definite shape that gave promise of their early realization. Public-spirited local investors had laid electric car lines and erected electric lighting and power plants in some places in the State. The first trolley car had been put upon the rails in 1890, in Newark. Three years later the New Jersey Traction Company, which acquired it, had electrified its entire plant. In Hudson County, Charles B. Thurston, the president of the Jersey City and Bergen Railway Company, had for some time been experimenting with the new motive force. But it was not till his company had merged with John H. Bonn's North Hudson line, and with Bernard M. Shanley's Essex system and the Consolidated Traction Company, under the presidency of E. F. C. Young, of Jersey City, that the river county secured rapid transit facilities. Mr. Shanley, who was the moving spirit in all the plans for trolley development, eventually arranged a lease of the Hudson lines that gave

the new company the control of all the transit facilities in the two largest of the counties.

With Shanley and E. F. C. Young, David Young, of Newark, came into the enterprise as the general manager of their transit concerns, and with splendid energy he pushed through the "White Line" from Hoboken to Paterson. Over in Elizabeth Senator John Kean had been operating several horse car lines, which Chandler W. Riker, E. W. Hine and others acquired to build into the larger Elizabeth, Plainfield and Central Jersey electric service. Less important trolley enterprises were that from South Orange to West Orange, and another coursing from Orange up through the Passaic Valley. The United Electric Company operated plants in Essex, Hudson, Elizabeth and Morristown, and, to the south, Camden had a service under the auspices of the South Jersey Gas, Electric and Traction Company that finally ran together with a like concern in Trenton.

The projectors of the traction roads had discounted the future precipitately. In the matter of fruition, at least, they had overestimated the potentialities of their enterprises. They had overcapitalized them on estimates of faster growth and development than were realized. In 1903 their floating obligations had run up to six millions; most of them were in shape for the receiver's hands. The managers were admonished to get together for the purpose of devising means of averting the bankruptcies that seemed to be impending; and a special joint committee, representing the stockholders of all, was named to act upon the situation. It was authorized to examine into the physical condition of the properties, to report to the boards of the companies in reference to any propositions that might be made looking to their lease or other disposition, and to suggest a method of financing the plans it favored. In the conference were President Young of the Consolidated Traction Company; Alexander J. Cassatt, the famous president of the Pennsylvania Railroad Company, who was on the executive committee of the North Jersey Co.; Attorney General Thomas N. McCarter, counsel for the Fidelity Trust Company of Newark; Randal Morgan, of the United Electric Company; John D. Crimmins, a noted New York financier, and John I. Waterbury, both of whom

were stockholders in several of the companies, and whose co-operation was sought because of their experience and skill in business and finances. These picked Messrs. Morgan, McCarter and Waterbury as a sub-committee, whose report, when presented, was made the basis of the consolidation of all the interests that seemed to afford the only avenue of escape from the threatened embarrassments.

A solution, proposed by Thomas A. Nevins, a promoter of Orange, and looking to the operation of all the surface car lines and the gas and electric light and power plants interested with $4,750,000 of cash to rest a $15,000,000 capitalization upon, met with no favor. Mr. McCarter, at least, had set his face against the overcapitalization that had been the bane of the financial operations of the day. In later years he showed his faith in his works when he aided Governor Stokes in the preparation of the act, passed by the Legislature of 1906, that forbade the issuance of stock except for par. Mr. McCarter's insistment that all the capital stock should be paid for at face value was made the basis of negotiations among the conferees.

With the refusal to consent to Promoter Nevins's plan came another proposition from Uzal H. McCarter, president of the Fidelity Trust Company of Newark, the organization of a company to operate all the plants, with a $10,000,000 cash capital. Of that, $6,000,000 was to be devoted to the payment of the floating debts of the concerns; the $4,000,000 balance was to be spent in betterments.

Public Service Corporation of New Jersey was formed, and issued perpetual interest-bearing certificates to the shareholders of the companies concerned—at $40 per share for the stock of the North Jersey Company; $35 for that of the Jersey City, Hoboken and Paterson, and $30 each for the Elizabeth, Plainfield and Central Jersey, the Orange and Passaic Valley, and the United Electric companies. The certificates were taken in exchange for $59,000,000 of the total capital stock, and nearly $40,000,000 of water was squeezed out of them. Soon after its organization the Public Service Corporation further fortified itself by leasing the Essex and Hudson Gas Company, the Hudson County Gas Company, the Paterson and Passaic Gas and Electric Company, the

South Jersey Gas, Electric and Traction Company and some smaller companies on a guaranteed rental basis.

Thomas N. McCarter, ex-State Senator and ex-Attorney General, who became president of this State-wide operating company, was Princeton-bred for a lawyer; but he had spent all his life in a corporation atmosphere. In his day, his father was one of the foremost "big business" lawyers at the American Bar. In his law practice Mr. McCarter had himself been identified with corporation litigations. The Fidelity Trust Company, of which Uzal H. McCarter, his brother, was president, is the most powerful financial institution in the State. Robert H. McCarter, another brother, who had just become Attorney General, had a clientèle of large operators. The McCarter family atmosphere is redolent of the corporations. And President McCarter added to his inherited and trained aptitude for the functions of his new office a tremendous energy that soon revealed itself in the changed conditions of the properties that were now placed in his keeping. His strenuousness, mental force and address had already put him in the front rank of the public men of the Commonwealth; and it was common report that Franklin Murphy's election to the Governorship and John F. Dryden's election to the United States Senate were largely due to the tirelessness of his campaigns for them.

Mr. McCarter found the properties that Public Service had acquired in bad physical condition—poor cars, and too few; rails that had worn thin; inadequate power plants; a general decrepitude that called for renovation. Money that might have gone to extensions had to be spent in practically making over the plants of the old companies. The $4,000,000 reserve for betterments fell like a drop in the bucket of needs. Larger capitalization and bond issues of startling magnitude brought many times more millions to the company's aid. At last accounts the company had spent $70,000,000 in improvements, and yet is pressed for growing facilities to meet the demands of a State that is growing up so fast under its impulse.

For six years a franchise agitation hampered its operations. The company's territory was of such wide range and involved dealings with so many local and State situations that

it was forced frequently to seek legislative aid; and its activities in Trenton started the conventional anti-monopoly crusade against it. To market its bonds, it was necessary that the franchises it secured should be of long duration. But in 1906 Senator Colby succeeded in putting among the statutes a law limiting its franchise grants to twenty-year periods, without any provision for renewals. To market fifty-year bonds on the security of franchises that could not run for more than twenty years was a financial obstruction the company scarcely undertook to surmount, and its enlargements were practically suspended till the Legislature of 1912 lifted the handicap with a fifty-year franchise limit law.

In spite of this interruption of its expanding energies, the company has opened up the territory of thirteen counties—Sussex, Warren, Hunterdon, Salem, Cape May, Ocean, Atlantic and Cumberland are the eight that have not yet felt the impulse of its activities. A comparison of population figures shows that the growth of the State has been in those counties in which it has been most busy and least hampered by overexacting—sometimes demagogic—local officialism.

Its most recent exploit completes a connection paralleling the Pennsylvania Railroad from Jersey City to Camden. This was accomplished through the leasing in 1912 of the Riverside Traction Company, down in the Burlington-Camden end of the State. The lines of the Riverside Traction Company connect with those of Public Service Railway Company at Riverton and run thence to the heart of the city of Trenton, having a total trackage of about thirty-three miles. Public Service Corporation also acquired the capital stock of the Trenton Terminal Railroad Company, which is the lessee of the Elizabeth and Trenton Railroad Company. These properties will embrace an additional trackage of more than forty-one miles. By the acquisition of these properties the Corporation fills in the gap in its railway system in the center of the State. The remaining construction has been finished, and the company has a completed through line across the State from the Hudson River waterfront to the Delaware River waterfront at Camden.

Statistics in the last annual report of the President of the Corporation, which set forth the companies' vari-

ous activities with uncommon candor, as to details, show that the company now serves 202 communities in the State. Its gross earnings have grown from $17,759,781 in 1904 to $34,593,808 in 1912. It in one way or another controls 34 gas and electric subsidiary companies and 27 traction concerns, and guarantees rentals to 32 other companies. Its bond interest and rental charges run to more than $11,000,000. Its operating expenses are another $18,000,000. Withal, its net surplus is only a few thousands in excess of $2,000,000. Its rehabilitation work and extensions, indeed, made dividends impossible till 1907, when a four per cent. distribution was made. This had grown in 1912 to six per cent. Some figures of growth noted in the company's report of 1912 are eloquent of the great growth that has come to the State within the last decade. The electric generators have been increased in number from 14 in 1904 to 32. In the electric distribution system there are 117,000 poles where there were 45,000 then. The meters have multiplied from 5,336 to 15,198; arc lamps from 8,121 to 12,297; street incandescent lamps from 8,538 to 20,347; the gas meters from 209,155 to 410,649; gas mains, in miles, from 1,584 to 2,741; the car mileage from 32,168,888 to 47,355,392; the revenue passengers in number from 165,400,000 to 292,707,377. The company's latest tax bill reached a total of $1,800,000, while its incidental contributions to local improvements, in the way of improving the thoroughfares through which its lines run, approximate $250,000 a year more.

While the tunnels and these expanding trolley facilities were linking all the great settlements in the northern part of the State into one great city, some of the active-minded men in the Palisades section were planning new schemes for even more rapid growth. The most beautiful home region in all the State is on the brow of the bluffs extending from Weehawken northward to the New York State line. They command panoramic views of the Hudson River from the Tappan Zee to the Narrows, and away across New York City to the spans across the East River. Their natural attractiveness has drawn population rapidly, but their growth has been retarded because of their comparative inaccessibility.

A roundabout route from Hoboken, on trestles over deep ravines, leads to them from one direction. An inadequate ferry service at Weehawken, maintained wholly for a railroad feeder, and an old drovers' line to Fort Lee, called Bulls' Ferry because of the traffic it was originally established to conduct, afford the only other avenues of approach. The need of a closer connection with the metropolis across stream led some public-spirited citizens to look around for new facilities. Judge Herman Walker, the wealthiest landowner in North Hudson County, became specially interested. He was a figure in the Republican politics of the county, had once made a notable run for Congress, and his public acquaintance peculiarly fitted him to urge the needs of his locality upon public attention. The outcome was a strong movement for the swinging of a bridge across the Hudson from Fifty-ninth Street, New York, to Weehawken Heights. The cost of construction would have been enormous, but the traffic, it was estimated, would have made the large investment profitable. It would have opened all the Bergen County section above, and the rich counties to the west with busy thoroughfares, and its magnitude and advantages became a topic of negotiation between the two States.

The Legislatures at Albany and at Trenton took action looking to its construction; and its feasibility was advocated by many noted engineers. The situation was complicated by the demands of other parts of New York and the Palisades communities in New Jersey for terminal sites of the proposed bridge; and the advocates of tunnels underneath rather than bridges over the river came along, as well, to delay the consummation of the enterprise. The differing views have not yet crystallized in final action; but the rapid growth of upper Hudson and of Bergen counties, in spite of poor facilities, is an earnest of the things that can be done for that section with direct and adequate service, and may become a potent factor in forcing a speedy materialization of plans for its development.

What their propinquity to New York has done and is doing for the northern counties is likely to be done for the southern counties by their nearness to Philadelphia. New Jersey south of Trenton turns her face as inevitably to the Pennsylvania

metropolis as New Jersey north of Trenton lives in a New York atmosphere. Suggestions that the Delaware be tunneled from Camden are taking definite shape, and the lines of clean and prosperous towns in the south counties are beginning to feel the impulse.

Governor Fort devoted himself to the opening of a waterway from Bay Head, and down across Barnegat Bay along the Atlantic ocean coast to Cape May. It was to be an inland water course for sail boats and pleasure and freight crafts too frail to venture upon the ocean. The improvement, which is doing much for the upbuilding of the lower coast part of the State, was completed in Governor Wilson's day, and a fleet of 18,000 boats is enjoying the pleasure and profit of it. From Atlantic Highlands down along the coast to Atlantic City, an ocean boulevard, also promoted by Governor Fort, is being constructed by Col. Edwin A. Stevens, whom Governor Wilson appointed State Road Commissioner before he left Trenton for Washington. The county seats of the State are, for a third notable improvement, being connected with a broad roadway circuit that will add immeasurably to New Jersey's fame for splendid roads. Thus the Garden State is being set in order, at every point, for the onrush of people who are to make her, in a not over distant future, the foremost Commonwealth of the land.

CHAPTER XXXIII

WILSON'S START FOR PRESIDENCY

Ex-Senator Smith, Seeking a Big Name to Head the Democratic State Ticket, Which Would Help Elect a Democratic Legislature to Make Him Senator Again, Starts Princeton's Chief on the Road to Washington With the Governorship of New Jersey.

While Fort was getting ready to lay down the Governorship, Woodrow Wilson, president of the Faculty at Princeton, was preparing to step into it as a base of operations for the most phenomenal reach for the Presidency of the United States in American annals. Presidents are made, not born. They have been the accidental upheavals of the conditions of the hour. They happened to be on top—opportunely for themselves—at the psychological moment, to be picked up and lifted into place. Clay, Blaine, Bryan, spent long years of apprenticeship in public training for the distinction. They climbed toward it laboriously, by cautious step on step, from one little vantage ground to one a bit higher, and higher and yet higher, till it seemed at their finger ends. They bent every energy, strained every muscle, for it; plotted for it, pleaded for it, grasped for it—and fell back at the end, after all, without the glittering reward.

But here comes a man—a non-participant, aloof from the current of public affairs, unacquainted with the men and dissociated from the forces that mold them, who picked up his hat, one morning, in his cloister studio at Princeton, and said he guessed he'd go out and get the Presidency of the United States—and came back the next day, as it were, with it in his hand; who, plunging all unheralded into the midst of it all—a stranger among strangers, and an illogical surprise—just stretched out his hand for it and took it. The adventure is the culminating romance of American politics.

New Jersey was wholly unprepared for the projection into

her politics of the brilliant bird of passage that, coming from the clouds, as it were, perched on the gilded dome of the State House to gather wing for its grandest flight into the National Empyrean. Unanticipating the visitation, her sons were arranging their plans for the gubernatorial campaign of 1910 along conventional lines. There was the usual tentative suggestion of names, and the usual speculation as to the availability of each. Mayor Wittpenn had become obsessed of the notion that his triumph over Mark Fagan for the Mayoralty of Jersey City had put him enough in the public eye to justify consideration of his "claims" to the nomination of the Democratic State Convention. Senator Silzer, of Middlesex, had started out to catch the public eye with his candidacy in an anti-bribery-in-election platform. William Harrigan, of Essex, who at seventy had beaten the Smith and Nugent forces and all their machine retinue, in a primary contest for the Democratic nomination for Sheriff, and then carried that Republican county on election day, with all the Smith Democrats sulking in their tents, was out for the nomination as an anti-Smith leader.

They were, however, all sideshows only of the main display. The trend of sentiment favored the giving to ex-Mayor Katzenbach of Trenton another chance to serve in the Governor's chair. Mr. Katzenbach was a well-groomed citizen of fine manners, who was calculated to make a good impression on mass-meeting attendants; but his strong point was the prevailing Democratic belief that he had beaten Fort in the 1907 campaign, but had been counted out by the election sharps in Hudson and Camden counties. The belief that he had won then was a point, in "availability," that counted for much in his quest for favoring delegates. It served him best in the rural counties. From Essex, the home of the State's Democratic chieftain, came a lot of honeyed compliments for him from the Smith machine, but no promise of support that looked tangible. While his intimation, at the close of the 1907 campaign, that Davis and his Hudson henchmen had sold him out was tending to make him positively unacceptable in that Democratic county which would cast the heaviest vote in the nominating convention. Even that, however, had its consolations. Davis's dislike of him was calculated to endear

him to the countrymen in the farming districts. And so, though because of the 1907 incident Hudson was quoted as favorable to Silzer, and Essex was suspiciously non-committal, the Katzenbach managers were convinced that his calling was sure.

The reason for the waver in Essex's attitude began to be apparent when *The Star* of Newark, whose editorial column-head bore the name of James Smith, Jr., as its owner, dropped an intimation in one of its issues that the party needed an overshadowing name to lead its ticket, if it would be assured of victory; and suggested that the prestige of Dr. Woodrow Wilson's world-wide fame in the field of scholarship might be invoked for the party's aid. Ex-Senator Smith's sons had won their degrees at Princeton College, and the acquaintance he had made with Dr. Wilson had brought to Mr. Smith's mind a sense of the greatness of the man. In the campaign of 1907 Mr. Smith had urged him for the nomination Katzenbach received, only to be discouraged by the noted Princeton chief himself. And, in the second Dryden Senatorial contest, the Senator had boomed the doctor for the toga, only to hear the doctor protest that there were others better entitled to it.

Mr. Smith had assurances this time that the Princeton scholar was ready to welcome the mention of his name. The ambition—more, as he has said himself, the aim, the purpose—of the doctor's career was the attainment of the Presidency. Mr. Smith had come to a realizing sense of the value of the doctor's name and fame as a Presidential asset. By that occult interchange of thought between two minds which none can explain, Mr. Smith was contemplating Dr. Wilson as a man who ought to be President at the same time when the doctor was contemplating Mr. Smith as the man who could make him one. And when the Senator dropped into the conversation a casual intimation that the doctor would make a splendid candidate, the doctor laughingly assented that if Mr. Smith would say that to the National Convention of 1912 his nomination would be assured. The bigness of the game aroused the Senator's best energies. He let the National leaders into the secret that he had at last found the winning name for the party banners. For the better promotion of the candidacy among the men of the West and of the Northwest, he

COLONEL GEORGE HARVEY

To whom, chiefly, Woodrow Wilson owes his selection for the Presidency of the United States

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opened a headquarters in Chicago and spent a month there in missionary work. The suggestion of the candidacy fell on fertile ground. All agreed that no Republican could stand successfully against one of Wilson's scholarly fame, of Wilson's talent and eloquence; and all advised Mr. Smith to start him on the way to the great office he was ambitious to obtain via the Governorship of New Jersey.

Everybody knew, when the name began to be whispered in New Jersey political circles as that of a possible aspirant for the favor of the Democratic State Convention of 1910, that it was the Senator who had inspired it, and the notion that the University head was prepared to lay down his great office in Princeton to enter the politics of the State and the nation was fostered and strengthened by the frequency and readiness with which he had recently accepted invitations to address public audiences all over the State.

The Katzenbach workers were interested, but they pretended to be still confident of his ability to win against all comers. They believed that they had built their fences so high and so strong, all over the State, that Mr. Smith could command no votes for his University friend outside of Mr. Smith's own county. Smith could not hope to make a successful canvass for him unless Hudson were to go to his aid with her large delegation. Hudson was devoted to the candidacy of Silzer, and the rivalry between Smith and Davis was so bitter that, the Katzenbach managers reasoned, there was no fear of an alliance between them.

They opened their eyes in astonishment when a tip came from Hudson that Davis had concluded to throw Hudson into the Wilson column. The token of an alliance between the two big party factors was an extremely flattering allusion to Dr. Wilson's candidacy in a weekly political newspaper published in Jersey City. The paper was edited by ex-Assemblyman James F. Norton, who, besides being widely recognized as an authority on New Jersey political movements, was known to be the closest newspaper friend "Bob" Davis had. The things Norton said, in his paper, were regarded as *ex cathedra*. The rank and file of the Davis following heard the voice of their master in Norton's eulogium, and all fell in

line for Wilson. The first real spring was given then to the Wilson boom.

Suspicion that a systematic campaign had been entered upon for the Princeton professor's selection by the Democratic State Covention grew into a conviction when it became known a few days later that he had been in consultation at Col. George Harvey's office in the Harper's publishing establishment in New York, with the Colonel and a number of potential Jersey Democrats. There was a time, years back, when Colonel Harvey had been a power in New Jersey affairs. He had been the editor of a Jersey newspaper, and had passed thence to the control of a special New Jersey supplement issued by the New York *World.* Through its columns he swung an enormous stroke in State affairs. Governor Abbett kotowed to him by creating the office of State Banking Commissioner for the Colonel's decoration.

Ex-Senator Smith, too, had put himself on friendly terms with the Colonel. In the first Cleveland campaign, Mr. Smith had been the associate and ally of William C. Whitney, Mr. Cleveland's national campaign manager, and he moved in a large business and financial atmosphere. He drew Harvey into the big swim with himself, and Harvey became the trusted associate of the heaviest men in the Wall Street money center. Having acquired large wealth, he had become the owner of the *North American Review,* and was also, in the year of 1910, the head of the publishing house of Harper & Brothers, on Franklin Square, New York. He was altogether in position to be enormously potent in promoting the political fortunes of Mr. Smith's new protégé in politics.

Mr. Smith confided his plans to Colonel Harvey. The Colonel would think about participating. When he concluded to join the Senator in his Presidential enterprise, the bank vaults of Wall Street were opened for its promotion. That was an important gain for the movement. Dr. Wilson was a poor man. He confessed it to the nation when, a few months later, he made application for a pension allowance out of the Carnegie fund. Money was needed to finance the campaign. Harvey's friendships amid the money kings could bring it. The Colonel's control of a number of influential publications made him a valuable acquisition, also, as an advertising force.

The Colonel may have hoped to be compensated for his aid with the choicest of the Cabinet offices, and again he may have been prepared to be content with the prestige of making a President. Whatever the inducement, he was ready to co-operate.

For his part Mr. Smith had his eye on that seat in the United States Senate which John Kean and the Republicans had taken from him twelve years before. Mr. Kean's second term was to expire in March, 1911. A Democratic gubernational candidate of large renown would aid in seating in Trenton a Democratic legislature that might send Mr. Smith to Washington again in Senator Kean's place.

Mr. Smith was not at the conference with Dr. Wilson in Colonel Harvey's editorial room. But his kinsman, political manager and confidential agent, James R. Nugent, was there to represent him. Millard F. Ross, who was accounted the Democratic leader in Middlesex County, Eugene F. Kinkead, and Hudspeth, New Jersey's member of the National Democratic Committee, understood to be the sponsors for Davis of Hudson, were others of the conferees. Dr. Wilson was no more impressed with the magnitude of the gubernational possibility than ex-Senator Smith or Colonel Harvey had been. But the lure of the Presidency, as the next step beyond, made the little office in Trenton attractive to him. And there was an understanding that if he would but consent to stand for the Governorship, the Colonel would bring the influences at his command, and Mr. Smith, the other forces at his beck, into unison to secure his nomination for the Presidency in 1912. State Chairman Nugent insists, too, that it was agreed that, in return for his valuable services in shaping things up for Dr. Wilson, the doctor would, upon election to the Governorship, throw all his personal and official weight in favor of Mr. Smith's election as United States Senator. Dr. Wilson, after his election, made earnest denial of such an understanding with Mr. Smith, and somehow Colonel Harvey escaped the embarrassment of saying who of the two told the truth about it.

Dr. Wilson went to Connecticut for recreation right after the conference to consider the matter that had been talked of in it, and the State awaited announcement from him with

keen interest. His dispatch to the *Evening News* of Newark a few days later, making known his willingness to accept the nomination, shook the Katzenbach household to its very foundations, and threw all the other candidates into the shadows. His conclusion had scarcely been heralded before George L. Record sprang into the light again with one of his inevitable challenges to a joint debate, which the doctor declined with thanks. The Katzenbach workers realized that they were badly handicapped with the rivalry of a man of world-wide fame, but they kept up their contest for delegates. And the showing he made in the State Convention reflects the deepness and bitterness of their and his disappointment by his defeat.

They refused to be reconciled and it was a question whether their antagonism would not endanger Dr. Wilson's success in his own County of Mercer. It was noticeable that the doctor made no strenuous effort to conciliate Mr. Katzenbach himself. Mr. Katzenbach had found occasion for personal resentment because of the dismissal of his brother from his tutor's chair in Princeton College. But an offset to his opposition and to that of his personal followers was scored when Dr. Madden, ex-Mayor of Trenton, who had just carried the Republican County as a Democratic candidate for Sheriff, declared himself for Wilson. Governor Wilson always denied that the appointment of Dr. Madden's father to the office of Keeper of the State's Prison was the price of Dr. Madden's support. But the appointment followed in due season.

When the Democratic State Convention gathered in Taylor's Opera House, Trenton, Harrigan led four delegates, whom he had squeezed through the primaries in Essex, to vote for him. Smith marshaled 234 for Wilson. Wittpenn's retinue of Jersey City office holders had won 74 of the 237 Hudson delegates for the Mayor's candidacy; Davis swung all but one of the 163 others to Wilson; Silzer had his own County of Middlesex solid and won 59 in Passaic and 45 in Bergen. Wilson's own County of Mercer, casting her 71 votes for Katzenbach, was against him. The strength and completeness of Katzenbach's campaign was revealed in the appreciable vote received in every County save Middlesex, Sussex and Warren. Those who were interested in the local aspects of the rivalry found much for speculation in the vote

for each of the three more important aspirants, recorded by Counties as follows:

Counties	Wilson.	Katzenbach.	Silzer.
Atlantic	40	12	1
Bergen	21	5	45
Burlington	3	43	2
Camden	72	36	..
Cape May	18	3	..
Cumberland	7	23	5
Essex	234	1	1
Gloucester	5	20	..
Hudson	162	1	..
Hunterdon	..	26	1
Mercer	..	71	..
Middlesex	..	..	62
Monmouth	15	50	..
Morris	19	21	7
Ocean	..	21	5
Passaic	23	5	59
Salem	1	17	1
Somerset	7	5	17
Sussex	25	..	..
Union	57	14	4
Warren	31	..	..
Total	749	374	210

Dr. Wilson's overwhelming lead gave him the nomination on the first ballot. It was such a discouragement to the Republican candidacies that the leaders of that party found it difficult to persuade any one to stand against him. Ex-Senator Johnson, of Bergen, refused to be considered. Ex-Supreme Court Justice Gilbert Collins was glad to admit that his recognition as a corporation lawyer made his selection inopportune at a time when public sentiment was aroused against the corporations. Senator Wakelee, of Bergen, who might have been named for the asking, backed out of view. Vivian M. Lewis, a newspaper reporter in his early days and who had afterward achieved large personal popularity in public work, was finaaly persuaded to become the lamb of sacrifice. He saw a fighting chance in Dr. Wilson's well-known predilec-

tions for free trade that were likely to prejudice the people of a State that lived so largely on protective tariff. Attorney General Edmund Wilson, who presided over the Convention that nominated Lewis against Wilson, took the tariff as the text for his opening address, and could not refrain from emphasizing his preference for the Regulars of the party by making a sneering reference to "the flaming Roosevelt."

In the campaign that followed the two conventions, the "New Idea" Republicans—or as they had begun to style themselves, to be in keeping with the National Rooseveltites, the Progressive Republicans—were to all public appearances keeping within the party lines. They did not, at least, make any open demonstration against Lewis; they were not, however, suspected of a fondness for him. Some were even believed to be in secret sympathy with Dr. Wilson. In the captivating addresses he made from the platform, Dr. Wilson proclaimed himself a Progressive Democrat. They were Progressives, too—all Progressives together—and the Progressive Republicans had more tenderness for a Progressive Democrat than for a "Stand-pat" Republican. At one stage of the campaign, Record, in a public letter, invited Dr. Wilson to declare himself on some points Record deemed of importance. The vital questions were as to how he stood on the party boss issue. Did he dare to say he was independent of Smith and Davis? When the doctor answered, Record sent out a statement that his attitude was "perfectly satisfactory." That statement was regarded as an underhanded intimation to those who had faith in Record that their vote for Wilson would be a vote for the right man. The Regular Republican machine made a weak plea for a protective tariff in Vivian Lewis's behalf. But the effect was not serious.

The only campaign shot they found it possible to compel Wilson to answer came from the American Federation of Labor. Henry Hilfers, the Secretary of the State Federation, had uncovered some expressions in one of Dr. Wilson's books indicating his dislike of labor unions. The Federation resolved that Dr. Wilson was an enemy of labor. Labor organizations are not responsive to efforts at manipulation in politics, and this fulmination of the few agitators in the upper ranks of the State Federation was not expected to carry

much weight. But the doctor's supporters took the precaution to get a certificate of orthodoxy from its President and used it for campaign purposes. The Federation's President happened to be running, as a candidate for the Assembly, on the same ticket with Wilson, and could not well refuse to give the doctor his endorsement. Some uncomplimentary references the doctor had made to the Italian immigrants in the same publication were reprinted and scattered broadcast among the Italian voters. This arrow, too, went wide of its mark, and the doctor carried the State by a plurality approximating 50,000. His majority over all the candidates was nearly 35,000.

The boom of his candidacy had given the ticket his name led a clean sweep of the State. The Congressional delegation of seven Republicans and three Democrats was turned into one of three Republicans and seven Democrats. Wayne Parker, who had been telling the people of Essex how he longed to end his days in their service at Washington, was ousted by Edward W. Townsend, a bright writer of the *New York Sun* staff and an author of wide repute. The Regulars of the Union County district helped the Democrats to displace Fowler, in reprisal for his attack on Speaker Cannon because the Speaker refused to put him at the head of the House Committee on Banking. The venerable little Howell, of the New Brunswick district, went down before Thomas J. Scully, a Raritan river towboat man, and Walter I. McCoy, a New York lawyer, had ended the Congressional career of William H. Wiley, of East Orange. The State Senate still remained in the control of the Republicans, but the Assembly, Democratic for only the second time in 17 years, had a majority large enough the other way to assure the Democrats of the joint meeting and of the seat in the United States Senate which John Kean was to vacate in the following March.

Southern people were enthused when it became known that the man of destiny thus started for the first place in the land was a native of Stanton, Va.; had spent part of his boyhood in the Carolinas, and tried to practice law in Georgia. He had been Professor in Johns Hopkins, Bryn Mawr, Wesleyan, since 1902 had been President of Princeton University, and was 54 years of age when he achieved his election to the

Governorship of New Jersey. In the campaign he had won national repute by the smoothness, grace and charm of his oratory. In person he is of medium height and slim, plain in his manners and somewhat careless of dress. He has a cold, colorless face, with gray eyes, that shows in every line a spirit of combativeness and a petulant impatience with contradiction. He carries the autocracy of the schoolroom into his public relations. He is the Master; everybody must obey and follow him. But in social converse he is the most captivating of companions—his talk flashes with wit and overruns with anecdote. His attainments, his scholarship and world-wide fame so overawed the people that few dared to thwart him in whatever he proposed; and his conquest over the forces that had the temerity to battle him was an easy one.

CHAPTER XXXIV

MARTINE ELECTED UNITED STATES SENATOR

First Referendum Candidate in New Jersey Overpowers Smith in the Democratic Caucus, With Governor Wilson's Aid—Most Sensational Senatorial Campaign Since Blodgett Beat Abbett.

Now that he had made a Governor of Dr. Wilson and, as he planned, drawn a Democratic majority on joint ballot to the Legislature under the good doctor's wing, ex-Senator Smith stepped forward to receive the reward he had promised to himself for his labors. The first function that fell to the Legislature (1911) after supervising the inauguration of Governor Wilson, was the choice of a successor to John Kean, Republican, who had served the State as United States Senator since March of 1899. The Democratic Joint ballot put Mr. Kean out of the running for a third term; and, as the position was to go to a Democrat, Mr. Smith, as the only living Democratic ex-Senator, and the most powerful and distinguished man in his party, regarded himself as the heir apparent to the place.

Since the close of the campaign which had produced Governor Wilson and the Democratic legislative majority, however, Mr. Smith had seen reason to suspect that his path to the honor might not prove a bed of roses. All through the campaign, indeed, he had been even a larger figure in the discussions than Dr. Wilson himself had been. The Republican orators had held Mr. Smith up all over the State as a party "boogie man." They had tried to frighten Democratic voters from Wilson by saying that Wilson's election as Governor meant Smith's election as Senator. To the Bryan element in the party, a threat of Smith is like the shaking of a red blanket before a bull, and they made it known that if Wilson were going to help Smith succeed Kean, they would see that Wilson did not succeed Fort. Dr. Wilson gave them no satisfaction on that point, except to answer Record's de-

mand that he declare himself as to Boss Smith and Boss Davis with a pronunciamento against boss rule. He did not specifically promise to see that Smith did not reach the Senatorship under cover of his canvass. The ex-Senator thought that was because of the engagement he understood the Doctor had made at the conference in Colonel Harvey's office for the recompensing of Smith's work in his behalf with Mr. Kean's desk in Washington.

The radicals of the Democratic Party, not ready to take any chances, looked around for means of blocking Mr. Smith's activities in Mr. Smith's behalf, and some movements on the Republican side brought the Senatorial preferential law, which had been put through a Stokes Legislature, to their view as a weapon they might employ for his undoing. That law had been passed for first use in this very Senatorial contest, at a time when Governor Stokes supposed the Republicans would be in control of this Legislature. Mr. Stokes had had his hand out for the Senatorship in two or three previous contests. If he had been a prime favorite with the party leaders, he would not have had more success in getting it than he had had. But he had noticed in those prior rivalries that the big men of the party were disposed to crowd him aside. His trimming and temporizing in the turmoils between them and the "New Idea," or Progressive, malcontents, had put him on the fringe of the party organization. The attitude of its chiefs toward him was one rather of tolerance than of friendship. They were more ready to balk than to promote his efforts to realize this one ambition of his life. As he had no hope with them, he made up his mind to appeal to the party against them. He could no longer ask them for their aid; he would ask the electors of the party to force them.

With that purpose in view, he had induced the Legislature of 1907 to pass the act enabling the people to indicate their Senatorial preference in the open primary. The effect could be that, only, of a popular request that the Legislature appoint the popularly approved aspirant. The Legislators could not be bound to respect the preference. It was still their privilege to disregard the vote and name some other man. But Governor Stokes believed that a popular instruction must have considerable weight with the party caucuses, and, in the hope

of getting such a recommendation for himself, he had the preferential law passed and signed it.

As soon as the 1910 campaign for the choice of the legislators who were to name Mr. Kean's successor opened, Mr. Stokes filed his petition asking the people to cast their preferential vote for him—the first to take advantage of his own law. Senator Kean hoped, in the event of the Republicans having a majority in the Houses, to be allowed to succeed himself, but he refused to enter into the primary scramble with Stokes. He regarded it not only as beneath his dignity as a Senator, but subversive of the representative system that is the very fundament of American institutions, to ask an uninformed electorate to choose between a lot of aspirants whom they knew scarcely even by name. For a time it seemed as if ex-Governor Stokes was to be alone in the running on the Republican side. But presently Congressman Charles N. Fowler, of Elizabeth, whose opposition to Speaker Cannon had detached him from the ranks of the Regulars, became his rival, in the belief that the support of the "New Idea" and Roosevelt Progressives would win the preference for him. The Regulars did not care to be unrepresented in the poll, and they urged ex-Governor Franklin Murphy to announce himself. Though convinced by a great speech William F. Hoar, of Massachusetts, had delivered in the United States Senate that direct vote for Senators is un-American, Mr. Murphy concluded that if the primary was the only way to reach the Senatorship he would proceed by that route, and he became the third candidate for the favor of the Republican primary voters.

The employment of the preferential law by Stokes to beat the Republican bosses suggested to the anti-Smith zealots that they might utilize it for the defeat of Boss Smith. They combined on James E. Martine, the Farmer-Orator of Plainfield, as a primary candidate, and soon had on file petitions numerously enough signed to place his name on the official primary ballots. He was known over the country for a rude eloquence that won the crowd and, in dozens of elections, had sought every office in sight from Town Councilman to Governor without getting one of them. He told "the boys," as he familiarly called them, that they had better seek some one

who had had better luck. But they liked him, both for himself and because of his admiration for Bryan, and they coaxed him to consent. Smith left the field to him, unless the irrepressible ex-Assemblyman Frank M. McDermit, a chunky Newark lawyer who was far more impossible than Martine as a Senatorial figure, may have been put into the running at Mr. Smith's instance.

The referendum had been thus framed up when the vote was taken in September. The count showed 39,554 votes for Stokes, 38,818 for Fowler, and 35,240 for Murphy in the Republican primary; and 48,449 for Martine and 15,573 for McDermit in the Democratic primary. Of the vote cast for Martine, Hudson had given him 22,080. Fowler led the Republican vote in Hudson, and had 13,700 in Mr. Murphy's County of Essex. The Stokes vote was pretty evenly distributed over the State.

Republican interest in the referendum ended when the election returns disclosed a Democratic majority in the Legislature that was to make the choice. It rose to first magnitude on the Democratic side. The outlook was that the Democratic joint meeting would send ex-Senator Smith back to Washington. Mr. Smith was chary about announcing himself; he was not eager to rearouse a tumult that might frighten his support from him. He was the "Br'er Rabbit" of politics—he lay low so that the hunters of the other side could not see him to point their guns at him. But the hunters knew he was in the woods and set up a shout to drive him out of cover. The Republican newspapers and the anti-Smith newspapers helped them awake the echoes.

They began a systematic badgering of the Democratic members of the two Houses. They demanded to know of these whether they were going to respect the "voice of the people" by electing Martine, whom the people had named, or whether they were going to "wear the collar of the Essex Boss." The legislators were slow to respond. They stood on their rights. The agitators picked out one of them and hammered at him till he succumbed, and then another and another till, maybe, a dozen had been frightened into protesting that of course they had never intended to do otherwise than yield to the voice of the people and vote for Martine.

By and by, there arose a little local contention in Mr. Smith's own county. Every man of the dozen chosen to the Senate or Assembly from Essex had been selected for the place by Mr. Smith. Nothing was further from contemplation as a possibility than that one of them could be weaned from his support. But the controversy between him and Assemblymen Boettner and Balentine, over a Newark Street and Water Board appointment, was seized upon by the opposition papers and magnified into State prominence. The Assemblymen charged that Smith had failed to keep a promise to direct Mayor Haussling to name John V. Diefenthaler as a member of the local Board and the Mayor had appointed Dr. Charles Kramer instead. The two Assemblymen were "egged on" to get even with Smith by voting for "the people's candidate" in the Senatorial balloting. They had just joined with the other Essex Assemblymen in a letter to Smith inviting him to let them vote for him for Senator. The papers flattered and cajoled and threatened and cudgeled them till they were made to declare that if Smith could go back on them, they could go back on him, and they publicly recalled their part in extending the invitation.

The break in the ranks of the local legislative delegation which it was supposed he owned threw the Martine shouters into transports of enthusiasm. There was chance that Smith might be beaten after all, and they began to hammer at Governor Wilson. Intimations had come from Princeton that the Governor elect was not disposed to Martine. Mr. Smith had gone to Princeton to come away with, as he said, new assurances that the Governor would be with him. The Governor was the fad of the hour in New Jersey at the time. His influence was regarded as conclusive, overpowering and final. The Martine contingent, hungry for his countenance, called upon him to disclose himself. They asked how one who had so uniformly preached the back-to-the-people theory, whose campaign cry had been for the referendum and popular will, could go back on himself and on his self-made platform by favoring for the Senate a boss whom the people had repudiated—who had not even dared to submit his candidacy to the primary referendum.

Mr. Smith's managers met the demand with the claim that

the referendum had failed to bring an expression of popular sentiment. Of the 264,000 Democrats who had gone to the primaries, only 63,000 had voted on the Senatorial preference, and of that 63,000 only 48,000 were for Martine—less than one-fifth. Smith, they said, had been so much an issue in the campaign that the other 200,000 could not have overlooked him; if they were against him they would have voted against him. When they had not done so, their silence was equivalent to a vote for him—and so Mr. Smith had really carried the primary without even running in it. They would know, too, how Governor Wilson, as the head of a big industrial State. could give his support to a Free Trader like Martine.

There were some days of tense waiting. Intimations came from Princeton that the Governor elect was about to say something. Foreshadowing rumors were to the effect that he was going to say it in favor of Martine. Senator Smith flattered himself with the idea that unscrupulous newspaper men were misreporting him. He could not believe his eyes when he read it in his own paper, or his own ears when his friends told him that the Governor elect had declared against him, and was about to enter upon an active campaign for Martine's election. The ex-Senator accused him of having broken his troth with him and charged him with gross ingratitude. The Governor had nothing to say about the ingratitude charge, but hotly denied that he had made a pact to break with Mr. Smith.

He broke into the controversy like a steam engine under full head. He was not only for Martine as the popular preference; he was against Smith, as a boss who had no right to be on the top of the earth. The bosses must go, and Smith as the chief of them! The referendum must be obeyed, and Martine, as its product, elected! He called the Assemblymen to him to ask them how they dared to fly in the face of the people by hesitating to declare for the Plainfield orator. He even bearded the lion in its den by asking the Essex Assemblymen to meet him at a New York hotel to "have the thing out with them." "He has a lot of patronage to bestow upon the legislators and their friends," Smith said to his confidants, "and some will be weak enough and selfish enough to yield to him." The Governor was an enormous power in the

JAMES E. MARTINE

United States Senator. The first product in the East of the Preferential Primary System

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State; his personality made him so. His taking the people into his confidence and appealing directly to them for support when he was pressed, increased the power of his great name and attainments among them. The legislators were afraid to antagonize the sentiment he created and led and mastered. Even the legislators so obligated to Smith that they could not abandon him, feared to stand openly for him. It was a war between Smith and Wilson—and Wilson, as the latest, was the popular idol.

As the canvass went on amid excitement of a kind the State had never seen before, Smith's following diminished to a few faithful adherents in his own county and the Hudson Assemblymen whom Bob Davis had promised to line up for him. But early in the winter of 1910, Davis was stricken with death. It was a case of "the King is dead, long live the King" with the men whom he had seated in the Legislature. They refused to yield to the command of the voice that was soon to become silent forever. They were ready to flee from the old master who was dead to the new one who was living. And at the end only a handful of the Hudson support was Smith's.

As the hour for the balloting approached the excitement was intense. Dr. Wilson, who had now entered upon the Governorship, was directing the battle against Smith with a bitterness that no one could understand. He picked out the Senators and Assemblymen who wavered in Martine's support, and put them on the spit. They would not trust the people; they were not fit, he said, to be trusted by the people. And never a day passed without its formal statement from the Executive Chamber that the people must rule, that they should rule, therefore would rule, and that the days of the sinister bosses were over forever in New Jersey.

Ex-Senator Smith still held enough votes, in spite of it all, to make the Martine men as reluctant to try a caucus as Smith was. The night before the day fixed for the balloting came. The caucus could be no longed delayed. The show of hands disclosed thirty-three votes for Martine. He needed forty-one to be elected. Governor Wilson made confident predictions that the needed eight would be in line by morning.

At noon of the following day, the Houses balloted sepa-

rately. The Republican Senate elected Stokes. The Democratic Assembly gave its vote to Martine. The combined vote in the two Houses disclosed this line up: For Martine (Dem.) Senators Cornish, Fielder, Fitzherbert, Gebhardt, Johnson, Low, Osborne, Price, Silzer, and Assemblymen Agnew, Alyea, Balentine, Boettner, Booream, Brodhead, Bunn, Burke, Cole, Davidson, Donnelly, Egan, Ford, Geran, Griffin, Hendrickson, Hinness, James, Kenny, Lafferty, La Monte, Matthews, McLoughlin, Meyer, Mylod, Newman, Ramsey, Simpson, Streitwolf, Taylor, Walsh—Forty.

For Smith (Dem.) Assemblymen Backus, Bracken, Brown, Christie, Leveen, Macksey, Martin, McGowan, Phillips, Shalvoy—Ten.

For Hamill (Dem.) McGrath—One.

For Stokes (Rep.) Senators Ackerman, Brown, Edge, Frelinghuysen, Gaunt, Leavitt, Lewis, Plummer, Prince, and Assemblymen Adams, Bacharach, Hand, Jackson, Layden, Mather, McCran, Pickaart, Pine, Radcliffe, Richmond, Thompson, White—Twenty-two.

For Griggs (Rep.) Assemblymen Cole, DeUnger, Turner, Whitecar, G. W. White—Five.

For Fort (Rep.) Senator Nichols.

For Kean (Rep.) Senator Hand.

The Smith men jubilated when they saw that Martine was short one vote of the number needed for an election in the joint meeting of the Houses to be held the next day. Governor Wilson gaily predicted that the missing vote would be found. At ten o'clock in the morning a large procession of Smith's Newark friends marched into town with banners flying and bands playing. The ex-Senator met them at the porch of the Trenton House to say to them that he had been forced to release his friends from his support. But, he told them, he was prouder of the loyalty and affection of the men he saw before him than he could have been if he had triumphed in the Senatorial contest. Two hours later Prince, the linguistic Passaic Senator who was the presiding officer, led the Senate across the hall to the Assembly chambers for the final ballot of the joint houses. Speaker Kenny was so knotted up with rheumatism that he was glad to step aside for the Senate President. The joint ballot showed forty-seven for Martine, and

he was declared to have been chosen to take Kean's place in the United States Senate. Mr. Smith, haggard and jaded, had already packed his grips and left for his home in Newark.

Senator Kean's retirement to make way for Mr. Martine marked the close of twelve years of influential service in Washington. For years he had been a power behind the throne in Senatorial circles. When Aldrich, leader of the leaders, stepped out of view, Senator Kean was revealed as scarcely his second in influence there. But he had worn his mantle of power so unpretentiously that only those on the very inside had an adequate sense of his magnitude as a force in the affairs of the land. Mr. Martine, his Plainfield neighbor, was the first man from an Eastern State to reach the Senate as the result of a popular contest. William Hughes, whom the State sent to the Senate two years later, was the second Eastern man to have been made a Senator by a preferential vote. Senator Martine's rugged build and stalwart frame and fine physical health came from devotion to farm work for a large part of his life. He is a native of New York, but his father purchased the farm of 160 acres, now right in the heart of Plainfield, on which the Senator yet lives, and entered upon its cultivation. The City of Plainfield has grown up all around the old homestead, and the press of population has turned 100 of the 160 acres into villa homes for its housing. All his life he has been active in public affairs, and his engaging oratory easily commanded for him the prominence the pages of this volume show him to have achieved among the public men of the State.

In Mr. Hughes's popular nomination for the United States Senate in the primaries of 1912 as successor to Frank O. Briggs (Republican), the excitements of the 1910 preferential campaign were reënacted. Senator Smith, however, became a candidate for popular support in the preferential primary. There were so many other aspirants for the Democratic vote in the poll that Governor Wilson feared Mr. Smith might achieve a plurality in the division of the votes between them, but he succeeded in inducing all but ex-Judge John W. Westcott, of Camden, to withdraw in favor of Congressman William Hughes, of Paterson. Mr. Hughes began life in the humblest circumstances as a mill hand in Paterson. One of

his brothers was a policeman in Paterson when the Congressman became a United States Senator—so proud of his buttons, too, that the Senator had him assigned to a position of distinction in the police end of the inauguration procession when Governor Wilson became President of the United States.

William Hughes's ambitions took him to the law, and he graduated to the bar from the office of John W. Griggs. He came into public notice soon afterward when the silk weavers, who had engaged in a strike lasting months and marked by terrible disorders, engaged him to defend some of their numbers whom Vice-Chancellor Henry C. Pitney had sent to jail for violent interference with strike breakers. They had "picketed" with stones and clubs, and crazed one young woman who kept to her loom in spite of them with a riotous "serenade." The energy with which he went to their aid made him a hero among people of that class in Passaic County, and they were numerous enough to give him a seat in Congress, notwithstanding that he was a Democrat and the district had been cut out for a strong Republican one. Governor Wilson, who had been suspected of being lukewarm in the laborers' cause, was in the midst of his Presidential campaign at the time, and his selection of the labor advocate Hughes as his preference in the fight against Smith, gave him a new status in labor circles. The Governor's open support enabled Hughes to distance the ex-Senator in the primary poll. The vote was about 55,000 for Hughes and 35,000 for Smith. Hughes had no opposition in the legislative caucus of his party, and he was elected to the Senate over Frank O. Briggs, who had become a candidate for reëlection. In the Republican primaries, Briggs had polled 10,000 more votes than Hughes, but he was not of the winning party and "the popular choice" did not count.

Till Mr. Hughes's election New Jersey had not had two Democrats in the United States Senate since Randolph retired in 1881, and a Republican Legislature chose General Sewell to be John R. McPherson's colleague there.

CHAPTER XXXV

ELECTION SYSTEM UPROOTED

Law Drawn by Record for Wilson Ends Nominations in Conventions, and Makes All Aspirants Appeal to Popular Primaries—Civil Service Election Officers Designed to End Boss Rule, but the Bosses Find a Way of Turning Law to Their Own Ends.

Notwithstanding Governor Wilson's showy triumph over ex-Senator Smith in the Senatorial controversy, Mr. Smith's campaign manager, James R. Nugent, was still in control of the State Democratic Committee, and the Democratic machine in the counties was in the hands of Mr. Smith's friends and side-partners. To the unsophisticated it seemed as if the Governor, if he aspired to the Presidency, was precipitate in burning all the boss bridges behind him, as he did in the Senatorial encounter. But he took into his confidence other skilful engineers who knew how to help him replace them with bridges of his own. From the standpoint of practical politics, he had made a happy hit in the selection of Joseph P. Tumulty as his Private Secretary. Nothing more need be said in proof of Mr. Tumulty's fitness for the task that fell to him than that he had been reared in the school of Jersey City politics. The politicians of the Croker household in New York had confessed that a study of Jersey City political methods was a liberal education for the election sharks of Tammany Hall.

Apart from his general capacity Mr. Tumulty is an expert in the manipulation of the wires that are not for the people to see. The artist whom he engaged to shake the wires for the dancing puppets that the people are to see was George L. Record, of Jersey City. That Mr. Record is inimitable in the manufacture of showy political pyrotechnics need not be said on this late page of this narrative. The reader has encountered him, in earlier pages, tossing his sputtering meteors

into the skies of politics. He has specialized the study of all the spectacular election gewgaws of the new era, and is accounted one of the best informed of men in the new-fangled iridescences of progressive politics. With this scintillating artist to "fire the show" in the clouds that awakens the "Oh's!" and the "Ah's!" of the onlooking public, and Private Secretary Tumulty on the ground floor to crystallize the Wilson adulation the auroral acrobat of the skies was to arouse, Governor Wilson felt he had no occasion to be alarmed by the threats of the angered bosses to send him to the National Convention, suing for its favor, without a home-State delegate in his wake.

The towers of boss strength were the Sheriffs who protected the bosses' minions in their defiance of law in the service of the bosses, and the County Committees that ran primaries and filled the Conventions with any kind of delegates the bosses ordered. With the nominating machinery thus all in their hands the bosses completed their control by selecting the men who took the people's ballots at the polling places on Election Day. Eighteen of the twenty-one sheriffs in the State were Democrats who had rolled into office on the crest of the Wilson tidal wave. They were all gentlemen of large influence in their several counties, and, though the Governor attacked them savagely after his accession to the Presidency made them of no particular account to him, he did not deem it prudent just then to antagonize them. But there was no hope of Wilson delegates to the National Convention unless the nominating and election machinery were taken out of the hands of the bosses, and to Wizard Record was assigned the task of finding a way of doing it.

The State—the boss end of it, particularly—was stunned when Mr. Record's plan found its way into the Legislature of 1911 through the hands of Assemblyman Elmer H. Geran, of Monmouth County. A bill which he sent to the clerk's desk shook down the State and County machines in one chaotic heap, and undertook to rule out the practical election sharks with a retinue of Civil Service booth officials. The new outfit of election officials were to prove their fitness for the trust at Civil Service examinations, and to reach their places by the conventional Civil Service route alone. Anyone who de-

sired, and felt qualified, could apply for the examination, and an appointment if he passed it.

That feature of the new plan did not work out to the foreordained results, however. The financial inducement the State holds out to its election officials is not commanding, and there were not enough applicants to go the rounds of the 1100 or 1200 polling places in the State. The local officials were glad to piece out with the assistance of the old crew, and of those applying for the examinations a very large proportion were the old-time servitors of the bosses, whom the bosses had urged to undergo the examinations. The bosses were as able to boast after the new law went into effect as they had boasted before, that they "had the boxes." But the new act contained some restrictions that made their juggle with the balloting and with the casting up of the returns less easy than it had been.

The boss system was far more shaken by the clauses of the bill that compelled the election of all the members of the County Committee, and even of the County Chairman, by popular vote at the primaries, and by the other clauses which absolutely abolished all the State, Congressional, County, City and Ward Conventions. The local delegate system had been wiped out during Governor Murphy's administration. An act which he approved had decreed that all local nominations should be made in open primaries. The advisability of extending this policy to the nominations for Congress and for Governor as well had long been mooted. The less populous end of the State, fearing to be overborne in the selection of gubernatorial candidates by the more populous end, had steadily resisted all attempts to interfere with the State Conventions, and as to the Congressional nominations, it was questioned whether the State had a right to regulate the method of filling a national office.

In the preparation of the Geran bill, Record took the bull by the horns, and not only threw the gubernatorial nominations into an open State primary and the Congressional nominations into district open primaries, but directed that even the delegates to the National Conventions and the Presidential Electors should be nominated in the State primaries.

Carrying the principle of the Senatorial preferential referendum further into the national field, the act also authorized

the voter of a party to name on his ballot the candidate for President of the United States whom he wished the national delegates to support in the National Convention. As the National Conventions have an undisputed right to say who shall be admitted and who excluded from their meetings, the attempt of the State to take the control of delegate nominations out of the hands of the party committees was resented as an arrogance. But in the Presidential election of the following year both parties in the State adhered scrupulously to the method laid down in the new law. The Wilson managers took precautions to see that the Governor's name was noted on the official primary ballots as the "choice for President" on the Democratic side, and the provisions permitting it contributed a good deal to his easy triumph in the national delegate primaries.

It still remained necessary to provide some machinery for the promulgation of the party platform in State and National elections. For that purpose the bill provided a "State Convention" consisting of the candidates for Governor, for Assembly and for State Senate, and the hold-over Senators. Each of the parties was, of course, to have its own "State Convention" of this kind. In addition a companion law, aimed at the stamping out of election corruptions, forbade, of course, the purchase of votes, which had become very general in some parts of the State, but also hampered the ordinary activities of the parties by stringent prohibitory regulations. The character of these may be inferred from the fact that the transportation of voters to the polls was forbidden as a sort of bribery.

The prohibition of the delegate conventions in which the parties had been nominating their candidates from time immemorial was attacked the moment it was launched as destructive of that system of representative government which enables the voter, who is often unfamiliar with the issues or the men, or the situation, and who has not the time to devote to it, to send a trained man to the front for him, familiarize himself with the situation and act for him in the light of his fuller information. It was denounced, too, as destructive of united and cohesive and intelligently directed party movement. But the air of the State was of a decided Wilson flavor at the time. Anything that had the Wilson

abel on it was being hailed everywhere as the perfect thing, and the only thing that was wanted, and the act was slated by public sentiment for enactment as soon as it had been introduced as an "administration measure."

The abolition of the convention system was met with the claim that no one could prevent a body of citizens from getting together for consultation as to policies and candidacies. The convention was declared to be necessary for the guidance of the people to intelligent action in picking the fitted aspirants from the swarm of incompetents who would seek nominations if they were open to any one. It was foreseen that the primaries would degenerate into a vulgar scramble on the part of everybody who accounted himself anybody for one place or another, and so it has proven. An election in Hudson County that brought 120 men to the primaries in quest of nominations for nine seats in the Board of Freeholders was typical of experiences everywhere. The swarm of aspirants has been so dense as to confuse and bewilder and embarrass the primary voter. In a system which substitutes for the old rule that "the office should seek the man" the other that everybody should seek the office, the uninformed electorate is all at sea when it is forced to make the choice, and is more likely to select the wrong man than the right one.

Those who have made a study of political methods agreed that the law might have been valuable if it had provided some machinery for the guidance of the voter in casting his primary vote. A well-known New Jersey publicist suggested, in a series of letters to the press, that if the parties could not hold conventions for the nomination of candidates for election day, they ought to hold conventions for the selection of candidates for the primary day. If the law will not permit people to be advised by those who know as to whom they might vote for, they should be advised as to whom they ought to nominate. The Republicans of Morris County held one of these informing pre-primary conventions when making preparations for the campaign of 1912, and later some of the Republican leaders considered the advisability of holding a convention for the purpose of advising their followers in selecting the party's candidate for the Governorship in the campaign of 1913.

The aim of the Geran bill was, of course, by wiping out the boss convention system, to destroy the influence of the bosses in the naming of party candidates. But critical observers agree that while it may have shuffled a new lot of bosses into control, it has not destroyed the system. The recognized leaders of the parties, the men to whom the people look for guidance and advice as to candidates and policies, still find it possible to make their views and their preferences known through newspaper interviews, and their influence is exerted as certainly and as effectively as when they spoke through their conventions. Results of primary contests held under the law show that Smith is as much master of the nominations in Essex as ever, and in Jersey City Mayor Wittpenn's carefully builded machine of office holders could produce in the popular poll any nominations he desires to make. The County Committees themselves may have new bosses in some places, but they are all as much boss-controlled as at any time in the past.

Though it was heralded as the offering of the new Democratic State administration, even the Democrats revolted when the bill Record had drawn was presented by Geran. The Democratic workers declared that its passage would make party effort not only useless but impossible. It shattered party solidarity. The Essex County Democratic Committee denounced it as making new election complications. Matthews of Hunterdon, the leader of the Democratic majority in the Assembly, balked before he consented to promote its enactment. For the Republicans, ex-Attorney-General Griggs, in a caustic speech, attacked it as subversive of the fundamental principles of the American system of representative government. Gov. Wilson found it necessary to do a deal of missionary work with the legislators of his own party to put it through.

When it had passed the Assembly, ex-State Committee Nugent accused the Governor of having used patronage in its behalf. Nugent arrayed the Essex Assemblymen against it. Macksey, one of the county delegates who deserted his colleagues to support it, became a County Tax Commissioner. The Governor appoints the County Tax Comissioners. Geran secured a State appointment. When the Gov-

ernor left Trenton to go to Washington more than a dozen Senators and Assemblymen who had assisted in the passage of the laws he was determined to pass held more or less lucrative State appointments.

With the act through the somewhat reluctant Democratic House of Assembly, Governor Wilson was forced to deal with a far more reluctant Senate. The Republican party was quite as much alive in the anti-boss issue as the Democrats were, and to please the party followers, it was ready to pass some kind of an act that seemed to fit it. But the Republican Senators did not want to let Wilson and the Democrats have the glory of it. But then, too, Wilson had so impressed the people with the idea that he was the only doctor who could cure all their political ills that the Senators did not deem it prudent to stand against this election specific of his offering. That they might capture for their party the credit of having had a hand at least in its final fashioning, they picked it to pieces for the sole purpose of putting it together again, and it came out of the Senate Committee with fifty amendments tacked to it. They were all of unessential character, however, and the Assembly, glad to have had the Senate's concurrence, agreed to them all and sent it to the Governor's hand. Doctor Wilson signed it with a ready pen.

CHAPTER XXXVI

PUBLIC UTILITIES LASSOOED

Act Passed by Fort, After Fight Covering His Whole Term, Perfected Under Governor Wilson's Administration—Its Features—The Contest Over the Employers' Liability Law, also Enacted.

The other reforms to which Governor Wilson devoted himself during the first year of his administration were not new to the reading public. Election methods and the checking of the corrupt practices that had marked them for many years; the regulation of the public utilities and more equitable laws covering the liability of employers to their employees, had been foremost topics in legislative circles long before he came to the Governorship. But he energized and vitalized them. The things that had only been talked about before, he made real. He was a veritable Abbett in "doing things."

But his way of doing them was all his own. In his campaigns he had impressed it upon his hearers that his nomination as the head of the Democratic ticket made him the party's leader, and that unless the party was willing to follow where he led, he did not wish it to elect him. A reverential regard for the binding force of the party pledges was another idea he never lost opportunity to exploit, and the "pitiless publicity" that prompted him, in times of stress, to get right down among the people and take them into his confidence and appeal to them for support was his most effective weapon. Contributing to the effectiveness of his campaigns for remedial legislation was the lure of the great patronage he had at his disposal. But this was only incidental, and not in any sense a part of his main plan of action. The result was that, before the close of the session of 1911, he had planted on the statute books a lot of virile new laws that his predecessors had promised to get there but ended the effort with the promise.

The foundations of the public utility system had been laid

n Governor Fort's administration. Fort's Legislatures had stablished it only, however, as a regulating force; Wilson nade a controlling force of it. Fort had merely changed ne name, extended the jurisdiction and enlarged the powers f the Railroad Commission. Wilson's domination gave the tate a new body with autocratic prerogatives. Martin and Colby of the "New Idea" legislators, Gebhardt, a Democratic enator for Hunterdon, and Tumulty, the Assemblyman who s now President Wilson's Private Secretary at the White House, had made vigorous efforts in the Legislature of 1908 o confer on a State commission jurisdiction over all public tilities—gas, electric, telephone, telegraph, railroad com-panies and what not in that line—with full power to fix rates nd make rules. Martin of Essex was particularly dogged n fighting for the vesting of full and unlimited power in the Board. The Assembly was disposed to side with him, but the Senate was wedded to a milder bill that Robbins fathered. When the drastic House bill reached the upper body it could ommand only four votes. A Senate Committee combined ome features of it with the main features of the Robbins ct, and sent it back to the Assembly for concurrence. The House concurred by substituting Martin's bill for it, and he resulting deadlock between the houses continued till the nd of the session. Martin made a strong effort to hold the Houses in session for the enactment of a law up to public expectations, but the influences that were against the regula-ion of the utilities were more potential than he was.

Robbins was President of the Senate of 1909, to which the subject was consequently relegated. Both branches were Re-publican, with Prince, of Passaic, in the Speaker's chair. In the lower branch were an aggressive young element—Martin, Hines and Colgate, of Essex, among the Republicans, and Sullivan, Olwell, Tumulty and Baker, Democrats. Gov-ernor Fort, who had at first been disposed to vest the rate-making power in the proposed board as a finality, was willing to allow the utilities the right of appeal to the courts for the revision of its decisions. Martin came to the front again with his bill, conferring absolute rate-making powers, and for a physical valuation of the properties of the utilities. The scheme of his bill was like that of the New York Utility

Board, which had just forced the Consolidated Gas Company to reduce its rate to 80 cents per 1000 feet. John J. Burleigh, on behalf of the Public Service Corporation; F. W. Thompson, of the Lackawanna, and Counselor Schopplecotter for the Lehigh, appeared in Trenton to argue against it. The bill hung fire all through the session. Martin succeeded in getting it through the House by a vote of 37 to 20. But the Republican "Board of Guardians" set their faces against it, and the session closed with no progress made toward its passage.

Governor Fort returned to the charge when the Legislature of 1910 came together. Martin was not in either House of the Legislature this time. He had been beaten by the Lentz forces in the primaries of 1909. Sullivan, of Hudson, reintroduced his act, however. The two years' struggle for its enactment had attracted so much attention that Senator Ackerman, the majority leader of the upper chamber, admonished the party workers that an act of some kind should go through. The party leaders gathered in conference, and concluded a stormy sitting by deciding to promote the passage of an act Pierce, of Union, had introduced. It created a State Utility Board, but it conferred no rate-making power. The Board of Guardians put it on the steam-roller; and all rules of procedure were suspended to drive it through both houses in one night's session, near the end of the winter's sitting. Sullivan, Tumulty and Christie, of Hudson, made an effort to delay its movement, but failed to make any impression. It was said, after the act had reached the Governor's office, that the Standard Oil pipe lines had been surreptitiously cut out of it, and Martin, deploring its weakness, insisted that it had been drawn in the office of the New York Telephone Company. But Governor Fort, regarding it as better than nothing—a step in the right direction, at least, a building stone for something better—signed it; and ex-Sheriff Frank N. Sommer, a high priest of the Colby cult in Newark, was appointed to the Board, and became its president.

It was at this point that Governor Wilson took the matter in his vigorous hand, and undertook to shape it to the more efficient service he thought it should render to the communities and to the State. He had a mixed Legislature to deal

with when he entered upon the task in 1911. The boom of his candidacy to the Governorship in 1910 had given the Democrats a great preponderance of votes in the Assembly. There were 42 of them to 18 Republicans there. But the pocket-borough system of Senate representation had enabled the Republicans to maintain their supremacy in the upper branch, even against the Democratic deluge.

During his campaign the Governor had made known from a dozen platforms the reforms he proposed to institute. They were all acclaimed by the people, and, to impair the popularity their passage at his instance would bring to him and the Democrats, the Republican Senators decided to rush them all through before he could begin the work of formulating them for legislation. Their leaders had taken precautions to have all the topics covered in bills drawn for them before the Legislature convened, and within ten minutes after the Senate had organized, Secretary William C. Murphy's desk was littered with corrupt practices acts, public utilities acts and employers' liability acts.

Pursuing their policy of "taking the wind out of Wilson's sails," the Senators rushed them into committees and out of them again, and hastened them on President Ackerman's calendar for the two readings they must yet have for enactment. The Democratic minority Senators amused the gallery throngs by making sport of the sudden conversion of their Republican colleagues to the reform spirit of the times, and the sudden access of zeal with which they pushed their reform schemes along. Their jibes and chaffs retarded the progress of the bills for only a few brief minutes, however, and they had all been enacted by the Senate while the Democratic majority in the House were still bickering over the new election system the Governor had devised.

They were met eventually by a lot of like bills, prepared under Democratic auspices and introduced into the Democratic Assembly. And the struggle between the two Houses for the party glory of the legislation began. A deadlock seemed inevitable; the tenacity with which each chamber clung to its own particular school of bills threatened the defeat of all. A "give and take" policy was the only solution of the situation; but neither chamber was inclined to recede. Gov-

ernor Wilson, who had undertaken to give the reforms to the people, interested himself actively to get them on the statute books. In interviews and more formal official statements he stirred up a public clamor that neither party deemed it prudent to ignore. A Presidential campaign only a year away made them conservative. As a consequence an agreement was struck for a division of the honors. The Democratic House was to pass some of the Republican Senate's bills; the Republican Senate was to concur in others originated in the Democratic Assembly. And they all went through to the Governor's hands for his already assured approval.

The act of the lot that drew the strongest—the only one that practically drew any—opposition was the Employers' Liability Act, offered by Senator Edge, of Atlantic. In suits for damages, based on injuries in the service, the employers had had things pretty much their own way, so far as the law was concerned. Too complaisant courts had stretched the doctrine of contributory negligence to such a limit that recovery seemed impracticable unless the employees could prove that the master had himself thrown his servant beneath his car or down his elevator shaft. He had managed, too, to get the aid of the courts in fixing the responsibility upon a fellow-servant, and in so befogging the master's responsibility as to throw another seemingly insuperable obstacle in the servant's way when he sought compensation for the leg he had lost in the employ. That there had long been protest against the barriers the legislatures—and, if not the legislatures, the courts—had set up between the employer and his crippled employee is too well known to need statement. Most of the large employers of labor, like the railroads, had agreed that the time had come when more generous consideration should be given to the claims of the employees for injuries. The Public Service Corporation and some others accepted the act as offered without cavil.

But there were phases of it that did not meet the views of the industrial and commercial employers, and a great multitude of them—among them J. W. Foster, president of the State Manufacturers' Association; Harry Myers, on behalf of the Manufacturers of Paterson; F. H. Cowperthwaite, president of the Paterson Board of Trade; James M. Reilly,

secretary of the Newark Board of Trade; E. B. Koven, of the Jersey City Board of Trade; C. F. Cox, of the Burlington Board of Trade; H. D. Gomber, of the Master Fitters' Association of Newark; James S. Anderson, of the Orange Builders' Association—attended hearings at which they protested that the bill had gone to the other extreme, of giving the employees a larger advantage in law than was fair.

From this multitude of counselors came a bill that was finally enacted. It wipes out the fellow servant defense entirely and rearranges the contributory negligence defense on more modern lines of equity. It is designed to give the hurt employee immediate financial relief, in a series of provisions allowing him a percentage of the wages he may have been receiving at the time of his injury, and requires the employer to continue the weekly payments for 300 weeks, if the disability lasts so long. It fixes payments if death results and makes immediate provision for relief.

Such opposition as was manifested publicly to the Public Utilities bill, which went through in the swim, was directed at the rate-making clauses. President McCarter, of the Public Service Company, urged that a Utility Board could properly address itself only to the duty of forcing the utility companies to give the public a good and an adequate service, and that the fixing of the prices at which they must serve their commodities was rather a business proposition to be determined by the men engaged in them, who knew all about the cost, etc., and were sufficiently interested in the success of their enterprises to see that they were conducted on lines that drew customers rather than lost them, and should not be left to the arbitrament of a body of inquisitors who knew little about the details of the businesses, and who were more apt besides to decide from the public clamor than from the business standpoint. All arguments were ineffective, however,

The bill, as it was signed by Governor Wilson, invested the Board with the rate-making power, and was in other respects the most drastic piece of legislation of its kind in the legislation of the country. The Board has absolute power in regulating the businesses of the State, corporate and otherwise. It may limit capital stock and bond issues, and originate investigations. The corporations find one solace in it, how-

ever, the Board is a shield against the attacks to which the irreconcilables who look upon public utility companies as public enemies were ever subjecting them.

CHAPTER XXXVII

MUNICIPAL COMMISSION RULE

Governor Wilson's Own Specialty Enacted by a Reluctant Legislature. Local Conditions That Have Led to Its Acceptance by Some Municipalities—Results of Its Operation in the Cities That Have Consented to Try It.

One of the innovations that can be traced to Governor Wilson's initiative is the introduction of the Commission system of rule for the cities and towns of the State. The movement was imported into New Jersey from the West, and is part of the Short Ballot agitation with which the Governor had been identified. The acceptance of the new system by the voters of a municipality means the disappearance of the existing municipal machine a few weeks later and the substitution in its place of a government administered by five Commissioners along any line they choose to follow and with any incidental help they choose to employ. Collateral with it was a movement for a reduction in the membership of the Board of Freeholders which manage county affairs. The Small Freeholders Board proposition found much favor in counties where the Governing Boards were notoriously exercising their public functions for private gain with so many members that each successfully dodged the accusing finger. But the other proposition, that the cities throw away their elaborate departmental systems—their Mayors and Aldermen, finance and police and fire heads—and give five men the entire management of all the city's interests, was so revolutionary a suggestion as to arouse warm debate as to the wisdom and the policy of the change.

The municipal machines in most parts of the State were boss-ridden; the bosses were not of Governor Wilson's household, and the incentive for a change from the old system to the new may have sprung from a desire to give them a set of new bosses. The arguments for the change were attractive

and plausible—the local machine was the under-pinning of the State boss machine; to destroy the local machine was to shake down the State machine—and did not the people want to get rid of the bosses, and have things their own way for once? Then there were so many cranny holes in the prevailing local systems for corruption to hide in, and responsibility was filtered through so numerous an officialism as not only to facilitate but to nourish profligacy in management, whereas, if the whole municipal machine were put in the hands of five men, a citizenship of higher class, larger responsibility and more independence would be enticed by the opportunities for larger governmental prerogative than could be induced to participate in a local government where power was attenuated by its distribution through a dozen departments with each a dozen heads. And if an inefficient or dishonest fellow should happen, by any chance, to get in among the five, how easy to spot the guilty man and oust him with the recall.

These flattering speculations were met by arguments on the other side that were not wanting in cogency and force. If the bosses had been able to work their wonders with a hundred department chiefs to manipulate and control, could they not more easily seize the governments when they were called upon to deal with only five side-partners? Why couldn't the five men, with power to create new departments and fill them with as many of their dependents as they saw fit to employ—with absolute mastery of police and fire brigades, of the liquor forces through excise rules, of the public works with their retinues of assistants, and of the streets with their army of contractors—why couldn't the five gentlemen, with all these dependents awaiting their nod, build over the people an autocracy so intrenched as to resist all efforts to shake them off? Why couldn't there be bad Commissioners as well as bad Aldermen?

A mere change in system, the skeptics reminded them, is no guarantee, ever, of better government. It is the character and aim of the officials that determine the character of an administration. Good men can make the worst of systems admirable, bad men can corrupt the best of them. The only law that can be really effective for honest and helpful local

rule is that altruistic one that opens the public places only to honest and efficient and helpful men, that makes the access to them of the corrupt or the weak or the undesirable impossible. The Legislature that shall frame a law that produces only good men for the offices and closes them hopelessly to the bad men, will have found the solution of the problem of good local government that is beyond the ken of the mere artificer of systems. In considerations like these, the skeptics saw ahead, for the communities that might accept the new rule, not escape from the boss system nor assurances of better rule, but only a new and a harder and more firmly intrenched body of local despots, whose want of training, though honest, might make them even larger dangers to the public welfare than their dishonesty could be. An ignorant paranoiac romping around in a place of power can smash more than a thief can steal.

Even darker predictions were made as to the effect the new system must have upon the civic sense which must always be alert, if government, of whatever form, is to be good. It was feared that the establishment of this local dynasty of five on the ruins of a government that had been conducted by fifty elective officials would destroy that healthy competition for place which quickens public spirit among the people, keeps the community alive to its welfare, and makes for clean and progressive government. The change would be a wet blanket on the popular ardor in municipal affairs which comes of rivalry for many offices. It had been a frequent topic of criticism, and indeed of complaint, that the strifes for public opportunities even under the most abundantly equipped municipalities of the day interested all too small a circle of voters, and the pretext for a consolidation of the spring with the fall elections had been that the larger interest in the State election would find its reflex in the larger vote for local officials. If that were so of governments that offered a hundred prizes to ambitious workers, what must be the effect, on civic activity, of a government that seizes all the prizes of place for five?

The visible sponsor for the legislation permitting localities to throw off their old forms for the new was the State Civic Federations of New Jersey. The Rev. Adolph Reeder, of

Orange, was particularly active in its advocacy. Robert Carey, of Jersey City; Adrian Lyon, of Perth Amboy; Fred'k G. Gnichtel, of Trenton; George P. Rust, of Passaic; E. E. Daubmann, of Camden, and George A. Viehmann, of New Brunswick, were named as a committee to have a bill embodying the idea drawn for legislative enactment. And among those who went in committee to speak for it after Walsh of Essex had introduced it, were besides the Rev. Mr. Reeder, H. G. Stoddard, of Trenton; N. R. Taylor, of Milltown, and John Ulrich, of Plainfield. Governor Wilson bent his energies, too, to induce its passage. It encountered the strongest opposition from Hudson. Griffin, of that county, amended it so as to require a thirty per cent vote in the municipality to which it was offered to make it binding there. The local referendum clause smoothed the way for its passage; it was to be operative only in the places whose people voted to submit to it. The politicians assumed that the office holders in the cities would be sufficiently powerful and numerous to insure its rejection where it might be proposed, and they did not oppose as they might otherwise have done.

The act, as passed, authorizes the filing in any locality of petitions asking for a special vote of its people on the question of substituting the new system for the old one. If the people decide upon the change, a primary open to anyone shall be held for the nomination of candidates for the five City Commissionerships. The ten aspirants who poll the highest vote shall be regarded as the candidates to be voted on at a special election to be held two weeks thereafter. From this ten the five ruling Commissioners are to be chosen. At the end of another fortnight, the local government ceases to exist. Everybody goes out of office, the departments are obliterated, and the new Commissioners assume all the functions, powers and prerogatives of government. They can make the government all over again after their own notions—create departments and fill them, raise money by taxation and disburse it—do just as they please with the people's offices and cash. The people have the right to recall after a year. But what can a recall, operated by a desultory, unorganized throng of dissenters, amount to against an army of drilled placemen, all eager to keep in their places the men to whom they owe their

own? The people can also propose ordinances, and if the Commissioners refuse to enact them, may demand a referendum upon them—as they can as to ordinances the Commissioners themselves enact. The same league of officials, who can defeat a recall, would likely be as potential in these referendum controversies. These considerations make both referendums, either as to men or measures, of questionable value for corrective purposes.

The municipal officials who might have defeated the act if they had presented a united front against it, reckoned without their hosts when they lagged in their opposition to it on the assumption that their united force could defeat its acceptance in any locality to which it might be offered. Conditions were ripe in a number of municipalities for a headlong rush for advantages the act seemed to hold out, without regard to the substantial arguments for or against the change.

In Jersey City, where "Bob" Davis's death had left two wrangling factions seeking the mastery, the act was invoked by the under-dogs in the hope of overpowering the upper dog, and the upper dog did not, for prudential reasons, dare to oppose its submission. Wittpenn, the grocer boy who had reached the Mayoralty, had filled all the offices with his partisans, and had built up a machine that compelled even Governor Wilson to make terms with it in his quest for delegates to the National Convention that gave him the Presidency of the United States, and was using it to promote his overvaulting ambition to be the Democratic nominee for Governor after Wilson. Nicholas P. Wedin, who had become the Sheriff of the County, aimed to be Wittpenn's rival as a local boss through the powers of his office. In the hope of giving the city a new lot of officials that would not bow to Wittpenn, and so enlarge his own little machine, Wedin started a movement for a change in the Jersey City government from the existing to the commission system.

Wittpenn was thoroughly intrenched in the city. Every man in every office was his faithful servitor. Each had been carefully selected with a view to the political service he could render to Wittpenn. He would gladly have been left alone in his dominion. Indeed, when he saw Wedin preparing for the attack on his powerful local machine, he had gone to the

Legislature with a bill, drawn by Corporation Counsel Warren Dixon, keeping his office holders in office till January of 1914. That would have left him in control of the city till after the gubernational election of 1913 in which he expected to figure. But the Legislature refused to consent.

Now that Wedin was forcing the issue, the Mayor would still have liked to sidestep. The election of five Commissioners unfavorable to him would put his men out of their places and destroy his machine and his gubernational chances at one blow. But to popularize his candidacy for the State office, he had been playing the rôle of a devoted follower of Wilson. He could not consistently refuse to aid the establishment in the city of a system which Governor Wilson had gone on the stump to espouse, and he was forced to pretend to be as eager for the commission system as Wedin was. The Republicans of the city were in for the change for what they could get out of it, and, as a consequence of the little local squabble, all the forces in public affairs in the city were for it for what was in it for them, and the city voted to accept it.

These details of this controversy have been unfolded because they reflect the smallness of the consideration given in all the cities asked to adopt the new system to its merits. Its acceptance in Trenton, the first city in the State to adopt it, was the outgrowth of a factional row between two wings of the Republican party, with the Democrats in the background looking for opportunities that the old system of government closed to them. Long Branch took it chiefly for the purpose of ousting a Council that had passed a liberal Sunday ordinance. Atlantic City conditions were so notoriously corrupt that things could not be worse, and the people gladly flew to the commission system in the hope that they might be better. And so it went in all the localities that accepted it. In Ridgewood, Ocean City, Margate City, Hawthorne, Nutley, Passaic City, Ridgefield Park, Longport, Deal, Wildwood, Vineland and Bordentown, its acceptance can be traced to some passing local incident that left the ethics of the question out of the discussions.

In Paterson, however, where Editor Joseph E. Crowell and Mayor McBride took pains to see that the matter was presented on its merits, the suggestion for a change was negatived

in a handsome popular vote. Hoboken, New Brunswick, Bayonne, Elizabeth, Orange, Union Hill, Rahway, Garfield, East Rutherford, Metuchen, Cape May, Salem, Irvington, Emerson, Westwood, Ventnor, Roselle Park and West Orange also rejected it, not in all cases because their people believed the new policy unscientific, however. In most of them the local officialism succeeded in routing the "outs" who were eager to get in. The "outs" were indeed a large factor in all the special elections. The moment the reigning forces set out to secure a referendum, the ten disappointed seekers after each of the local offices joined the swim and threw all their weight in favor of the change that they hoped would bring the coveted positions.

When the nominating primaries were held, every active advocate of the change rushed into the poll to capture a Commissionership. The ten seekers for the one office became candidates, too. There were nearly 100 primary candidates for the ten nominations for the five places in Jersey City, nearly 100 in Passaic and in Trenton, more than fifty in little Long Branch. The local bosses were always among them, and in most instances came out among the nominees. Wittpenn was not a candidate in Jersey City, but his machine of office holders put three of the five men whom he favored in nomination.

The elections showed that the bosses who were to have been dethroned by the new rule were themselves part of the smaller government, and that their power was greater even than it had been. The local chieftain found himself surrounded in his new office with fellow Commissioners who had not been schooled in public affairs, and who followed his lead because they did not know how to lead themselves. The change did not take the hand of Kuehnle and Backarach off the throats of the Atlantic City people. Le Barre was as supreme in Trenton as ever. Spencer worked the puppets in the new government in Passaic City. In Long Branch the City Clerk, Recorder and Comptroller triumvirate are three of the five.

The system has been in operation in the State for only two years, and only in Trenton for even that length of time. It may be too early to form a judgment of its benefits, if it has any, from a study of its actual operation anywhere. But impartial observers agree that the first fruits are disappoint-

ing. Trenton's Commission has enormously increased the running expenses of the local government without any increase in efficiency of service. Eight automobiles in the City Hall, where there had been none, is a typical item to the Trenton mind, and the endless jangle among the Commissioners is the chief entertainment the Board is giving the taxpayers for their money. Other cities find trifling items, like the automobile item in Trenton, symptomatic of the general conditions the new government has brought to them. Passaic City reads a lesson of extravagance in the increase of the garbage removal contract from $10,000 to $20,000 a year. The Long Branch salary list that had been regarded as extravagant at $10,000 has climbed to $20,000 and maladministration has so checked development that the recall has been the menace of a year past.

And over all, the deadening of public spirit which had been predicted as the unavoidable concomitant of the exchange of the old-time multitudinous system for the centralized "Short Ballot" plan has come to a realization. It has been so marked in Passaic City that Congressman Robert G. Bremner, to whose efforts the city chiefly owed its new rule, is for a return to the quickening contentions of the old rule. "I think," he says, "the chief cause is that we concluded our entire civic duty was done when we elected Commissioners, and from that day henceforth there seemed to be a benumbing of that civic sense which must always be alert if we are to have good government, no matter what the form may be." Reading the full story of the results in an incidental item, Mr. Bremner finds a homely illustration of his point in the fact that city affairs under the old government afforded four columns of reading in his Passaic *Herald* for every one that can be wrung from the City Hall under the new government.

CHAPTER XXXVIII

AND NOW FOR THE PRESIDENCY

Moves on the Checker Board of Politics That Helped Governer Wilson Outgeneral Smith in the Open Primary Struggle for Control of the States' Delegation to the National Convention at Baltimore.

Nineteen-twelve was the Presidential campaign year. The Governor had made preparations for a showy lot of reform work with its legislature till the November election returns showed that the people had turned both Houses against him. Only ten of the twenty-one Senators were Democrats; in the Assembly only twenty-three of the sixty seats were held by men of his party. His foes jubilated over his loss of the Legislature; it was a repudiation of all the policies he had forced upon the Legislature before, they said. Then, for a new handicap, the party was seriously compromised almost as soon as the Legislature got together by charges that Fitzherbert, of Morris, one of the ten Democrats in the Senate, had sought a bribe in connection with an acetylene bill he had offered for enactment. The Senate put him on trial, in Committee of the Whole, and even ex-Senator William D. Edwards's forensic skill was not equal to his acquittal. The eleven Republican Senators declared him to be guilty. His nine Democratic colleagues, suspecting that his vote would be needed to give them a preponderance in the next Senate, whose presiding officer was to be the Acting Governor in the event of Doctor Wilson's election to the Presidency, voted him innocent. When, later, a motion was made for his expulsion the same party division held good. The motion could not command the two-thirds vote needed to oust him.

Governor Wilson was urged by the press of the State to help end the spectacle of the retention of a convicted Senator in the chamber, but he was inactive. The Senator was permitted to keep his seat, and he survived to serve in the Senate

of 1913. But, after all, the vote for which the party prestige had been risked was not needed to save the ad interim Governorship to it. The sweep of the Presidential election had given it a majority in the Senate without Fitzherbert's vote. The Democratic Senators who had shielded him had sold their party for a mess of pottage.

The Republicans thought they saw other campaign material in incidents surrounding the distribution of State patronage by the Governor. They connected its bestowal in the places where it could be of most service in the National campaign with the Governor's quest for delegates to the National Convention. But he gained far more than he lost in his maneuvers with it. A lively contention between Surrogate David S. Crater, of Monmouth, and Senator Silzer, of Middlesex, over the office of Secretary of State which Dickinson was to lay down, was one of the spectacular displays that were expected to count against the party. Both the counties were in the Third Congressional District, and it was necessary for the Governor to have the support of both counties if he was to capture the two delegates the district was to send to the Democratic National Convention. Silzer and Crater each declared that the Governor had promised the choice appointment to him.

The Governor was silent, but there was the more reason for the selection of Crater. The implacable Katzenbach had in some way acquired a strong foothold in Monmouth, and Doctor O. A. Bogardus, whom Wilson had failed to reappoint to the State Board of Assessors, was making effective appeals to his neighbors there for anti-Wilson support. The appeasing of Monmouth by honoring Crater was made necessary by the conditions there. But Silzer was threatening all kinds of reprisals in Middlesex if he were not chosen.

Another complication came to the surface when the office of Assistant Secretary of State was demanded by Mayor Wittpenn, of Jersey City, for his Police Board President Job H. Lippincott in return for the aid Wittpenn's influence in Jersey City might render in the struggle for National delegates from Hudson County. Sheriff Wedin, who aspired to the Governor's recognition as the boss of the county, demanded the appointment of an ex-saloon keeper of Weehawken named

Hannan. Lippincott is a son of the late Supreme Court Justice Lippincott, who had won national repute for his valiant defiance of the Hudson County ballot-box stuffers years ago. Young Lippincott had been at the head of an auxiliary campaign committee that had rendered admirable service in several canvasses, and he was so manifestly fitted for the position he sought that when the Governor influenced his appointment the expression of satisfaction was very general. The section of Hudson County from which Wedin's candidate hailed was also to name two of the National delegates, and Hannan's power there was confessed when Secretary Tumulty arranged the remunerative Deputy Clerkship in the Chancery office for him.

The Governor hesitated between Crater and Silzer in the Secretary of State controversy till the approach of the close of the legislative session forced him to a choice. Then he angered Silzer by sending the name of the Monmouth Surrogate to the Senate. The resignation of Chancellor Pitney to become a Justice of the Supreme Court of the United States seemed to open a Vice-Chancellorship for the disappointed Middlesex statesman, and the Governor was about to attempt to appease him with it when other conditions sent the appointment elsewhere. Silzer had to go home, grumbling at his reward, with a commission as Prosecutor of the Pleas of his county.

Chancellor Pitney's promotion to the Bench of the Supreme Court of the United States to fill the vacancy caused by Justice Harlan's death brought its complications, too. It was among the last of President's Taft's administrative acts, and came quite unexpectedly, although the earliest information from the White House as to Harlan's successor carried intimations that he might be taken from New Jersey. Among the names of the distinguished jurists from all over the country that figured in the Washington dispatches, those of Chief Justice William S. Gummere, Associate Justice Francis J. Swayze and, though a Democrat, of Richard V. Lindabury, ran with a frequency that showed New Jersey to be in the President's eye. That was due, in all probability, to the closeness of his relations with ex-Gov. Franklin Murphy, and to the warmth of his friendship for him. As a member of the Republican

National Committee's Executive Committee, the ex-Governor had rendered conspicuous service to the party in the national campaign of 1908, and now, in the sensational strife between President Taft and Colonel Roosevelt over the nomination of the Chicago Convention, the President regarded him as one of the most valued of his supporters.

So it is easy to guess that when he had the handsome judicial position from which death had taken Harlan to bestow, the President had a kindly feeling toward Mr. Murphy's State. For some reason never revealed, Chief Justice Gummere's name dropped out of the dispatches, Mr. Lindabury's democracy made the consideration of his name a party impossibility, and Justice Swayze's was the only Jersey name that survived the process of elimination. The admiration Jersey men have for Mr. Swayze's ability as a jurist convinced them that the Justice was on the way to a great promotion.

But Swayze was subjected to a cross-fire of criticism. Anti-Trust men quoted one of his decisions as in favor of the "Big Business" that had become a bete noir of the people. On the other hand, some timid capitalists feared that Swayze, on the United States Bench, might be a too generous friend of labor in its disputes with capital. Their alarm had arisen from his action in a Gloucester County glass factory strike case that had come up before the State Court of Errors on appeal from Vice-Chancellor Bergen's Chambers. Bergen had issued an injunction restraining the strikers from violent interference with the men who had taken their places and the Glass Blowers' Union had taken the matter up to the higher court for review. Sustained by a majority of the court, Chancellor Pitney had filed an opinion sustaining Bergen's injunction.

Justice Swayze filed a memorandum dissenting from the Chancellor's ruling, if it was to be construed as denying to the strikers the right to use peaceful methods in dissuading the new hands, and some of the large industrial employers who talked with President Taft had said that Swayze's dissent was an indication of a sympathy with labor that might make him an extremist in disputes between the unions and the employers that were likely to reach the Federal Courts.

The appointment was still in suspense when campaign work called the President to New York, and on the way from

Washington he stopped at Newark to accept ex-Governor Murphy's invitation to lunch with him in his imposing brownstone front in South Broad Street. The luncheon was a memorable incident of Mr. Taft's canvass for renomination. It was calculated, if it were but intended, to help stem the swelling tide of Rooseveltism in the State and to revive the interest of its Republican voters in the candidacy of the big, smiling Chieftain of the Nation. Mr. Murphy had made the occasion non-partisan by inviting some distinguished Democrats to sit in. Ex-Senator Smith was one of the stately statesmen present, but Republicanism of all shades was reflected in the others gathered at the tables. Chancellor Pitney was among them, almost as honored a guest as Taft was. Mr. Murphy held the Chancellor in high esteem, Mr. Pitney having stepped aside in the campaign of 1901 to leave a clear road to Mr. Murphy for the Governorship. By right of priority as Chancellor of the State, Mr. Pitney sat at table right next to His Excellency. The President engaged him in conversation and was captivated. On the auto spin to the Essex Country Club in Orange, where the President later held a reception, he confided his impression that the Chancellor was a charming gentleman to his host.

"I think you're going to make a Supreme Court Justice of our Chancellor," the ex-Governor seized the opportunity to say.

The President only smiled in response. A few weeks later it was announced that the ex-Governor was a guest at the White House, and on the following morning the State was surprised—and pleased as well—to read official assurances that the Chancellor's name was to be sent to the United States Senate. In Executive Session Senator Culberson, of Texas, had the record of the glass factory strike case read into the minutes. The Iowa State Federation of Labor protested, too, that Chancellor Pitney had made some harsh rulings against the striking silk weavers of Paterson. That objection was withdrawn when it was pointed out that it was not the Chancellor but his venerable father, Vice-Chancellor Henry C. Pitney, who had dealt with the Paterson outbreak.

Senator Culberson insisted, however, that the Chancellor's ruling made an inquiry as to his disposition in labor contro-

versies advisable. Even so warm a friend of the working man as Senator Martine is known to be did not regard the matter seriously, however, and, Senator Briggs concurring, the support of his home Senators—one of them a Democrat—helped to speed the confirmation that was eventually accorded. And Mr. Pitney rose from the Chancellorship of New Jersey to the proud distinction that is the crowning glory of American professional life. It was the culmination of years of notable service in the State Senate, in Congress, and in the State Supreme Court.

The controversy in the Senate led to the inclusion, in the advance circular for this publication, of a paragraph foreshadowing the influences that induced the Chancellor's selection as a topic for treatment in this volume. The President, when the circular was laid before him, dictated this pleasant letter to the new Justice:

THE WHITE HOUSE
Washington, February 28, 1913.

My Dear Mr. Justice Pitney:

You have shown me something in an advertisement of a book to be published on New Jersey politics in which one subject matter is said to be "the influences that put Pitney on the bench of the Supreme Court of the United States as the late Justice Harlan's successor." I do not know, of course, to what the advertiser refers. I only know the facts with respect to your appointment. I did consider with a good deal of care the question of appointing another lawyer from New Jersey and did conclude that it was not well. He had been recommended by everybody and I did not hear your name (except incidentally as the Chancellor of the State), in connection with the position by anyone who pressed it—doubtless due to the loyalty prevailing in a State, which for the purpose of a successful presentation limits the candidates to one. After I had decided not to give it to New Jersey, I met you at a dinner which Governor Murphy gave to the leading lawyers of the State on Lincoln's birthday and sat next to you during the entire dinner. That led me to make further investigation and I satisfied myself that you were the man I needed and that your appointment would reflect credit upon the bench.

MAHLON PITNEY
Associate Justice United States Supreme Court

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No one influenced me to appoint you. It was in a sense on my own initiation, but of course after I began making inquiry I found that the selection met with universal approval in your State.

You have entire liberty to use this if you desire, but whether you use it or not I am glad to put it in record for the satisfaction of yourself and Mrs. Pitney and any others who may be interested.

I am glad to say to you that in looking over my administration there is nothing I take more pride in than I do in my appointments on the Supreme Court, from the Chief Justice to the last appointee, and anyone who seeks to impeach the motives of the appointment of any one of them or the character of the appointee, is engaged in a work to which he can be prompted only by bad motives and with no foundation in fact.

Sincerely yours,

(Signed) Wm. H. Taft.

Hon. Mahlon Pitney,

Associate Justice, United States Supreme Court.

Pitney's rise to the United States Court left the Chancellor's desk to be filled by Governor Wilson. Being a Democrat, the Governor was disposed to award the ermine to one of his own party. The State Senate, whose confirmation was required, being Republican, urged that as the retiring Chancellor was a Republican, one of their party should succeed him. They selected Vivian Lewis, who had been Doctor Wilson's Republican opponent in the gubernatorial canvass, for the honor; the fitness of Edwin Robert Walker, Vice-Chancellor and a Democrat, appealed to the Governor's mind. A brief interchange of courtesies between the Executive and the Senate led to an understanding that promoted Walker to the station of Chancellor and gave the Vice-Chancellor seat which he vacated to Mr. Lewis.

Lewis is a newspaper man who took to the law and achieved an exceptional popularity among the public men of the State. He had been in Chancery, as Clerk of the Court, by Governor Murphy's appointment for some years before he became a member of the Court. Chancellor Walker had been a Clerk in the Chancery office when Henry S. Little was its chief. His first public appearance was as counsel for Dickinson in his

ill-fated libel suit against Mayor Fagan of Jersey City. Chancellor Magie had observed his capacity and had given him the Vice-Chancellorship he was holding when advanced to the highest judicial position in the State. The politicians, who never lose sight of the political end of things, were reminded that the new Chancellor's family had always been active in State politics, and they indulged in guesses that Mr. Walker's selection would tend to soften the friction in Mercer County which Katzenbach's disaffection was creating in the Presidential atmosphere.

It must be known that the Smith machine was all this time engaged in efforts to disarrange the Governor's plans to secure delegates from the State to the coming National Convention favorable to his Presidential candidacy. It was necessary that he be adroit in the dispensation of the patronage, lest a mistake in its bestowal, or in the conditions that surrounded the bestowal, put a weapon in the hands of his enemies. By the moves that have been detailed, he had made peace with the dominant factors in all the Counties, Essex excepted, in which the Smith influence was felt.

Wittpenn, whom he had appeased with Lippincott's appointment, was the master of the Democratic forces in one end of Hudson County; Hannan, whom he had placed in the Chancery office, was the ruling force in the other end. Crater, on the Democratic side, was the partner of County Clerk McDermott, on the Republican side, in the control of both parties in Monmouth County. Crater's appointment helped not only in the pre-convention controversy, but in the election day battle as well. McDermott did not want to help the Roosevelt boom and there was little use of his exerting himself for Taft. In Middlesex, the potent factor was Silzer, to whom he had given the County Prosecutorship, and now, with Walker's appointment, a Wilson nucleus had been created in Katzenbach's stronghold. The only county that remained to the Smith régime was Essex. The ex-Senator was so intrenched there that there was no use in trying to dislodge him, and the event showed that he let Mr. Smith elect himself and Nugent to the National Convention in that county almost without opposition.

These alliances supplemented other concessions he had made

to the diverse interests to which he was appealing for support. He had shown the broadest catholicity in appointments and policies. Fresh from the management of the greatest Presbyterian seminary in the world, he had taken the graduate of a Jesuit college in Jersey City for his Private Secretary, and for the first time in the State's history given a Hebrew a seat in the State's Supreme Court. He had written to the temperance people a letter espousing their policy of local option and, on the other hand, made a New Brunswick saloonkeeper, who was the head of the liquor lobby in Trenton, a County Tax Commissioner; located an ex-barman in the Chancery Clerk's office, and promoted the candidacy of a Paterson brewer for delegate-at-large to the National Convention, from which he expected to receive the gift of the Presidency.

By these and like movements and concessions, Governor Wilson had so fortified himself for the contest in the Presidential nominating primaries that he could afford to be indifferent to Smith's control of the State Democratic Committee and to the presence of Nugent at its head. Not since the days of Allan McDermott's chairmanship had the State Committee counted for anything in political affairs, and it really did not make any particular difference who was its master. But a fortuitous sensation was seized as a pretext for snatching that last remnant of Smith's power in the State from Smith's hand and turning it over to Wilson. At the convention on which he had forced Wilson as a gubernatorial candidate, the ex-Senator had named the members of the Committee and taken the precaution to see that they were chosen from the lists of his choicest friendships. The presumption, under such circumstances, would be—was—that they were proof against all the storms of political contentions. But one evening in the summer of 1911 a zephyr swept over them "and away they all flew like the down of a thistle" to the Wilson camp.

In spite of his theory that Governor Wilson had not kept his pact with him as to the Senatorial succession, ex-Senator Smith never had any but soft words for the doctor. He could not seem to recover from his admiration of the great Princeton scholar, nor to emerge from the awe with

itself. And so every poisoned dart from the quoin of his foes fell harmless at his feet.

CHAPTER XXXIX

BOSS-MADE SHERIFFS HIT

The Very First Day He Sits in Court Supreme Court Justice Kalisch Finds a Way to Divest Them of Their Right to Draw Juries for the Protection of Boss-Serving Criminals, and Starts a Line of South Jersey Republican Ringsters State-Prisonward.

Over the Republicans in the campaign that was beginning to unfold fell the shadow of the scandals that had been disclosed in the South Jersey Republican Counties, through the investigations of a House Committee headed by William P. Macksey, of Essex, as its Chairman. For well-nigh upon half a century the South and West Jersey Counties had been recognized all over the State as a factory for Republican majorities. They had made them big or little, as the local bosses pleased. If the Democratic régime with which the more populous counties in North Jersey sometimes threatened them was not too obnoxious they contented themselves with small majorities. If it gave signs of being dangerous to their dominion they sent them up to the top notch. It was "diamond cut diamond" between the two ends of the State. The Democrats played the same game in the New York zone of counties. Those of Hudson never closed their count of the votes on election nights till they had learned the last figures from Camden and Atlantic. The tally in Camden and Atlantic lagged along, on the other hand, till Hudson and Middlesex had been heard from.

Nugent, the Chairman of the Democratic State Committee, had been deeply and earnestly interested in Doctor Wilson's canvass in 1910 for the Governorship. He had traveled with the candidate from one end of the State to the other, and he had ordered the canvass on lines that contemplated success. The listless, haphazard, inexpert warfare previous State Committeemen had carried on under Chairman Hudspeth had

given place to a sharp, energetic whole-hearted and determined attack upon the intrenched Republicans. Ex-Senator Smith had given the party its candidate; his executive chieftain, Nugent, was determined to see that Mr. Smith's candidate was elected.

The chief danger lay in the methods the South Jersey bosses had been wont to employ to roll up dishonest Republican majorities. As well as every other informed public man, Nugent knew that Camden and Atlantic Counties were the stamping grounds of the most audacious lot of election rascals any State ever saw. He sent Frank B. Halliday, an intrepid campaigner with considerable detective instinct, into that region to keep an eye on things. Halliday established headquarters in Camden City and in Atlantic City, and sent details of shrewd aides all over the two counties to watch and take notes and gather evidence. By the time the campaign was on, Chairman Nugent's desk was covered feet high with documentary proofs of election frauds universal in both counties. The Assembly of 1911 was a Democratic body. Nugent laid his papers before Assemblyman Macksey, who moved the appointment of an investigating committee and became its Chairman.

Chairman Macksey and his colleagues thought they knew something about the nerve of the election day shark, but even they were stunned by the boldness with which those in the two counties had carried on the game. The revelations of Democratic frauds in Hudson, made by the Gardner Committee of 1883, became mild in comparison. In both counties the registry lists were padded to the bulging point with the names of the dead and myths. On election day the polls were invaded in Camden by Philadelphia thugs and in Atlantic City by swarms of negro ruffians, to vote on any name that came handy. If the real owner of the name happened to present himself, he was challenged by the Republican challengers, knocked down and carried out. One saloon in Camden was famous locally as the "Ghost House" because of the hundreds of myths who had been entered at the polling booths as its tenants. Every telephone pole was the residence of scores more of them. The tenants of the graves in the city cemeteries rose from the dead to put their names on the

polling and registry books. The homes of policemen, firemen, city hall employees, were loaded to the chimney tops with election day guests. On election day city officials kept "open house" for the "floaters," and hurried them out to vote the Republican ticket without even the precaution of hiding the greenback, which paid for their votes, in their vest pockets. Some of the local officials, confronted with proofs of their offending, explained that they had always done it, that everyone else did it, and that if they didn't do it, they would lose their places. Baird, the reigning boss in Camden, was never accused directly. Kuehnle was the boss in Atlantic; the story of his exposure and condemnation is the feature of this chapter.

Such things would not have been possible in a county equipped with a properly working court machine for the punishment of those who did them. The machinery of Justice in Camden and Atlantic was employed rather for their protection than for their apprehension. The bosses named the sheriff, the sheriff drew the grand jurors, the grand jurors would not indict. Even if the Judges had been panting to convict and punish, they had no means of getting the rascals before them. In a public statement inspired by a realization of conditions in the two counties, Governor Wilson had described it as "A system of mixed politics and government whose practitioners have been bad men. They have been professional practitioners, which may be taken as accounting for their success. If the Sheriff belonged to a gang the Grand Jury was depended upon not to go too far. The Prosecutor, if he belongs to a gang, will be 'discreet.' The Judge may be complaisant."

The Governor was looking around for a way to round up the gangs when Supreme Court Justice Ludlow's death opened it. Thomas W. Trenchard was, at the time, the Supreme Court Justice assigned to preside in the Atlantic Circuit. A jurist of the highest character, he had been tireless in denouncing the scandalous misconduct of the Atlantic officials, and charged grand jury after grand jury to bring the guilty men to the bar of Justice. The grand juries had as often gone to their homes at the end of the term with not a bill

presented. The venial politicians laughed at the Court for its helplessness.

Justice Ludlow's death opened the door for an appointment to the Supreme Court Bench. Ludlow had been a Democrat and his ermine belonged to a Democrat. Among those most urgently pressed for the vacancy was Samual Kalisch, of Newark. The name of no New Jersey lawyer was more familiar to the reading public than was that of Mr. Kalisch. He had been the leading counsel in an endless string of cases that interested the general reader, and had grown rich from his practice. He was learned in the law, sharp and skilful in its interpretation, traveled and read, and had been active in the public life of the State. At one time he was a candidate for the State Senate: he was noted as an orator. He was an admirer of Governor Wilson's policies, and the Governor concluded to appoint him. A rearrangement of the Court's circuit assignments followed his appearance among the Justices. Justice Trenchard, as his senior on the Bench, had the choice before Kalisch could make his. Justice Trenchard chose that over which Ludlow had been presiding. Kalisch had to take what was left. It was the Atlantic Circuit.

The very first day he put in an appearance at the Atlantic County Court House at May's Landing, the new Justice caught the Sheriff in a delinquency that made him the subject of a grand jury investigation. The Sheriff's name was Johnson. The Johnson family had the confidence of the Kuehnle gang of repeaters and looters to an unusual degree. Twenty years or more before Justice Kalisch's advent, the Atlantic ringsters had discovered Smith E. Johnson. He was of their school and they made a Sheriff of him. Contemporaneously they discovered Sam Kirby. He was of their school, too, and they made a County Clerk of him. Smith Johnson made so admirable a Sheriff from their standpoint that they wanted to elect him again at the expiration of his term. The State Constitution forbade that, however; a Sheriff cannot succeed himself. So they made a Sheriff of Sam Kirby and a County Clerk of Smith Johnson. When their terms ran out again, Smith Johnson went back to the Sheriff's office, and Sam Kirby back to his desk in the County Clerk's office. That political rotary machine had been kept revolving by the gang for twenty

SAMUEL KALISCH

Supreme Court Justice, whose Elisor-drawn jury disclosed the monster ring in Atlantic County

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years—Johnson Sheriff or County Clerk, Kirby County Clerk or Sheriff, all the time—till Johnson became too old to be part of it any longer, and Kuehnle picked out Johnson's son as his successor. The young man had only recently succeeded to the family's political heirloom when Justice Kalisch fell upon him.

The information as to young Sheriff Johnson's delinquency had been confided to Justice Kalisch by Harvey Thomas, the editor of the Atlantic City *Review*. Thomas is a brisk newspaper worker who saw the moment he reached Atlantic City that the only avenue to success open to a newspaper man there was through an attack upon the ring that was stealing the city government for the purpose of looting it, and one of the Johnson grand juries that Justice Trenchard had urged to indict the gang had distinguished itself by handing in a true bill against this accuser of theirs instead.

In the course of the resulting controversy it came to Thomas's ears that Sheriff Johnson had tampered with the Atlantic City poll books. The name of one of Johnson's friends, Bowman, appeared twice on one of the poll books—he had evidently repeated. Bowman was on the grand jury that Johnson marched into Court to be sworn by Justice Kalisch the first day Kalisch sat in the court-room. An examination of the poll book showed that one of Bowman's names had been scratched out of the poll book. The charge that the Sheriff had erased it made him amenable to grand jury action. It was manifestly improper that the Sheriff's offense should be acted on by a grand jury the Sheriff had drawn, and Justice Kalisch threw the gang into consternation by sending his grand jurors about their business.

The orderly progress of Court work required a grand jury to make inquiry into cases demanding attention. It was particularly urgent to have a grand jury at this juncture to act on the frauds the Macksey Committee had uncovered. Ordinarily the disqualification of the Sheriff would have devolved his functions on one of the Coroners of the County. The Coroners were the product of the same corrupt machine that had kept the Johnson family in the Sheriff's office for two decades. Justice Kalisch would not trust the inquiry into the ring frauds to a grand jury drawn by a ring-named

Coroner. The Justice has a taste for the antique, and out of the stores of his knowledge of the quaint things of the law, the old English practice of the Courts in naming Elisors to draw grand juries when they were afraid to trust the Sheriff to do it sprang to his mind as just the thing needed to meet this emergency.

Justice Kalisch selected two elisors to draw a new grand jury. Pretty nearly the whole official outfit in Atlantic City and County prepared to move when they saw the names of the two. They were those of active workers in the movement that had long been going on for ousting the despoilers. The grand jurors the elisors gave the Court as its aides came to Court with their arms full of indictments against the gangsters. Mayor and Councilmen and what not of local officialism were marched to the bar to answer for their crimes. The County Judge's own brother was among those accused. The gang stood in awe of the new majesty of the law when they saw even their chieftain, Kuehnle, necked and marched to Court for looting the sea-front city. They had all been so brazenly bad that they could not deny their crimes, they could only say that the Court had no right to appoint the elisors who had found them out.

There were fraud-protecting grand juries in other counties drawn by boss-named Sheriffs—a series of them selected in Hudson County by Sheriff Kelly had obstinately refused to indict Stephen M. Egan, the County Collector, for abstracting hundreds of thousands of dollars from the County Treasury, that he might loan the money to "Bob" Davis who had given him the office. Supreme Court Justice Swayze watched his opportunity to spring elisors on Kelly. One Christmas Eve Kelly ordered the release of prisoners from jail without warrant of law. That was an indictable offense, and Justice Swayze, declaring him disqualified, followed Kalisch's precedent and put two elisors on guard there. The two drew grand juries that indicted Egan, ex-Sheriff Zeller, and several others of the county officials. When they were convicted they too shouted that the Court had no right to name elisors to indict them.

The appeals from the two counties went to the Supreme Court. Chief Justice Gummere sustained Kalisch and

Swayze. Thence the convicted men carried the cases to the Court of Errors, only to have the convictions affirmed there, too, and to keep themselves for a little time longer out of the prisons to which the Judges had sentenced them, they found pettifogging grounds for taking the cases to the Supreme Court of the United States. That Court dismissed the appeal for want of jurisdiction.

Only those who were participating in the movements of the day can fully appreciate the decisive and far-reaching effects of these procedures. The discovery by the Court of a way of stripping the boss-named Sheriffs of the prerogative of drawing the grand juries that had been protecting the looters of both parties all these years shook the boss system to its very foundations. It was Governor Wilson's last masterly blow at the whited sepulchre of boss power he had set out to shake down. It gave him a new prestige among the people as one who knew how to make good his pledges to free them from their oppressors and despoilers, and became a new element of strength in the campaign for the greater office for which he was reaching.

It frightened the fattened bosses from their prey. If elisors were to draw grand juries they could no longer protect themselves and their fellow-looters from suffering the consequences of their crimes. Even the classes of men who trained with them did not regard a short tenure in office as a compensation for a long tenure in State prison. Fear drove them to the woods. They were not apt to be on hand in effective numbers to queer Governor Wilson's primary laws, or on an election day to cheat him out of his vote. For the rest, the exposure of the methods by which the Republicans had been securing their great majorities in the South tier of Counties was a party discredit that could but inure to the benefit of the Democrats.

CHAPTER XL

WILSON'S ELECTION AS PRESIDENT

Smith Puts Up a Weak Fight Against the Governor in the Primaries, but Is Content to Go to Baltimore as an Inconspicuous District Delegate—Roosevelt's Candidacy Saves Him From Losing the State on Election Day.

New Jersey made her preparations for the Presidential campaign of 1912 along entirely new lines. The Geran law which Record had devised for the Governor was given its first trial. Whatever is to be said of that piece of legislation, from the standpoint of its effect upon the weal of the State, it performed the Wilson end of its mission with faultless precision. It ordained the party processes in a way that left the Governor the absolute master of the Democratic situation. There were no mocking primaries, managed by boss-named committeemen, to produce a convention of boss-named delegates to aid the bosses in cheating him of the State's support in the National Convention of his party. There was only an open primary for the choice of the State's representatives in the coming national gathering at which every Democrat in the State was free to drop his ballot with Wilson's name upon it as his "choice for President," or throw it away upon an impossible aspirant from another Commonwealth. The Wilson managers well knew that the State's civic vanity would not permit the showy distinction that now for the first time in the history of the nation he had brought within her reach, slip from her grasp, and that her people would be practically unanimous in their choice of National Convention delegates who would abate no effort to seize it for her—and for him.

The sequel proved that they had not erred in these pleasant and flattering forecasts. The National Conventions are a law unto themselves. They are free to say who shall sit with them, and by what processes they shall be chosen. Neither that of the Democrats, which was to assemble in Baltimore, nor

that of the Republicans, which was to meet in Chicago, found any fault with the new processes by which Governor Wilson had decreed New Jersey's seats in both should be filled. Indeed, the Republican National Committee, when it found that the Wilson primary system would not provide delegates to the Chicago meeting in time to comply with the rules set for other States in their selections, made a little exception in favor of New Jersey, and left her free to name her delegates whenever Governor Wilson was ready to let her do so. And the primaries were held at the prescribed time without any protest from any side.

Factional struggles in both parties made the primaries interesting. Ex-Senator Smith, still panting to retaliate Wilson's opposition to him in the Senatorial contest, set up an anti-Wilson ticket, in which the name of George W. Young, the New York banker, was the most notable and conspicuous one. The ex-Senator had never been anything less than a delegate-at-large to the National Conventions, and he practically admitted the defeat of his own ticket when he failed to include his name among the four at its head. Bound, however, to have a seat in the Convention, he named himself as a delegate from the ninth district. Mr. Smith's anti-Wilson running mate in the ninth district was Arthur B. Seymour; Nugent's, in the tenth, was Harry T. Backus. These two districts were in Mr. Smith's own county and he carried both for his tickets.

The Wilson managers, however, easily carried the State for United States Senator Martine, ex-Mayor John Hinchcliffe, of Paterson, Sheriff N. P. Wedin, of Jersey City, and ex-Judge John W. Westcott, of Camden, for delegates-at-large, and elected ex-Mayor Joseph E. Nowrey and Senator J. Warren Davis in the first district, Thomas H. Birch and J. Thompson Baker in the second, John W. Slocum and Congressman Thomas J. Skully in the third, Senator George M. La Monte and Sheriff Walter Madden in the fourth, William L. R. Lynd and James J. Potts in the fifth, William Kline and Dan Fellows Platt in the sixth, Congressman William Hughes and Editor Robert G. Bremner in the seventh, Peter Stillwell and John M. Rhodaback in the eighth, Emil Groth and Recorder John J. McGovern in the eleventh, and Thomas

G. Haight and Court of Errors Judge Mark A. Sullivan in the twelfth.

On 48,336 of the ballots Governor Wilson was named as the "choice for President," and 532 favored Speaker Champ Clark, forty Governor Harmon of Ohio, and forty-seven William J. Bryan. Governor Wilson's preferential vote was just about that which had been given for Martine in the Senatorial primary of 1910. It fell about 13,000 short of the preferential vote for Roosevelt cast in the Republican primary and was more than 17,000 short of the vote by which Congressman Hughes carried the Senatorial primary a few months later. Taft went down to a humiliating defeat in the Republican primaries with only 4,000 fewer votes to his credit.

When the New Jersey delegates reached the Convention Hall in Baltimore, at the close of June, they were surprised by the strength Speaker Clark commanded throughout the country. William J. Bryan assumed the command of the Wilson forces, and kept the Convention in an uproar for a day or two over his recognition of Belmont as a Tammany delegate for New York City. His presence in that delegation was an evidence of the subserviency of the New York democracy to Wall Street; and Mr. Bryan declared that Governor Wilson would not accept the aid of the delegation from that State in reaching the nomination. When the attention of the country had been fixed on that spectacular demonstration for a day or two, the Convention entered upon the balloting for the nominee. The early ballots showed Clark away in the lead; but the splendid generalship of Bryan held him at bay till the Wilson forces got their breath, and sprang to the front with a dash that made them irresistible. Ex-Senator Smith's four delegates from his two Essex Congressional districts were about the only little party that did not rush in to help make the Governor's nomination unanimous.

The excitements attending the preparations for the Republican National Convention in Chicago were far greater than those which had marked the pre-Convention work at Baltimore. All the appearances early in the year were that Colonel Roosevelt was eager to be named on the Republican side, but he did not announce himself. Party usage entitled President Taft to a renomination, and he had allowed his friends and

office holders to try to secure it for him. The party leaders in New Jersey were for him. The first break among them came when ex-Speaker Stokes declared his preference for Roosevelt. The ex-Governor's attitude was probably due to the advocacy of Taft by the State Committee Republicans, who had not exhibited a becoming interest in his Senatorial aspirations. Next Colby pronounced himself for the Oyster Bay Colonel; and one day ex-Governor Fort went to Oyster Bay, and came back to say that he knew Roosevelt would be the nominee. It was at once guessed that he had been chosen by Roosevelt as his sponsor in New Jersey, and he easily eclipsed the others as a Roosevelt leader.

Soon afterward Colonel Roosevelt entered upon a tour of the country, and aroused an enthusiasm that almost obliterated Wilson in the Presidential discussions. He made bitter personal attacks upon President Taft, and each time came nearer to making it known that he was in the race till he finally announced that his "hat was in the ring." And the war between the factions—"Progressives" led by Roosevelt and Taft heading the Stand-Patters—was on in all its fury. When, at the end, he visited New Jersey, even Military Park in Newark was not large enough to hold the crushing throng that gathered to salute him. It was then that Record, who had been for a Follette, dismounted the fence to become recognized in the end as Roosevelt's Field Marshal.

War broke out in the Roosevelt Progressive camp as Record and Fort arose into prominence there. Colby and his letter-writing law partner, Borden Whiting, were apparently envious of their predominance. They held their resentments, however, till after the Taft and Roosevelt forces had finished their bout in the State primaries for delegates to the National Convention. The Roosevelt delegates swept the State and every district in it. They rolled up 61,000 votes against 44,000 cast for Taft and about 2,500 for La Follette. The solid anti-Taft and pro-Roosevelt delegation they sent to Chicago consisted of Frank B. Jess, Edgar B. Bacon, Everett Colby and ex-Governor Fort as delegates at large; and from the first district, Duncan W. Blake and ex-Senator John B. Avis; Joseph H. Maxwell and Francis D. Potter from the second; Clarence E. F. Hettrick and Adrian Lyon, the third;

John E. Gill and James E. Bathgate, the fourth; Charles W. Ennis and Edgar A. Knapp, the fifth; William W. Taylor and Herbert M. Bailey, the sixth; James G. Blauvelt and Henry C. Whitehead, the seventh; John J. Klein and Louis M. Brock, the eighth; Edward W. Ward and William A. Lord, the ninth; Edmund B. Osborne and Frank L. Driver, the tenth; John Gardner and Fredk. Vollmer, the eleventh, and John Rotherham and George L. Record, the twelfth.

The story of the Chicago National Convention is part of the Nation's—not of the State's—history. It will be dismissed with the bare statement that Taft was made its candidate. Later in the summer Colonel Roosevelt organized a Convention of the delegates who, he claimed, had been defrauded of their seats in the Chicago gathering, and had himself put in nomination as a "Republican Progressive." It is to the division of the Republican vote of the country between these two factions of the party that Governor Wilson owes his triumphant election to the Presidency of the United States, in the fall of the year. A kindly Providence made a channel between the Roosevelt Scylla and the Taft Charybdis for him to the shining port for which he had spread his sails when he sought the Governorship of New Jersey.

The combined vote for Taft and Roosevelt, cast for a single Republican candidate, would have totaled against him in a great majority of the States. Together they had in New Jersey about 236,000 votes. Governor Wilson, with 178,000 to his credit, had lost the State, as a majority candidate, by just about the 50,000 by which he had carried it in 1910. He received 55,000 fewer votes as a candidate for President than he had polled as a candidate for Governor. Lewis, whom he defeated in the State campaign, had polled 6,000 more votes than the 178,000 which gave the electoral vote of New Jersey to Wilson as a plurality candidate over Roosevelt. In the electoral colleges 41 States gave the Governor 435 votes, to 88 cast for Roosevelt, and eight for Taft.

The Presidential electors, selected at one of the new style "State Conventions," who cast the vote of his own State in the college for him, were Robert S. Hudspeth, John W. Westcott, Joseph R. Newton, Thomas H. Birch, Henry S. Terhune, George M. La Monte, Julius G. Russell, John B.

JAMES SMITH, JR.
United States Senator 1893-1899

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Cavagnaro, John Hinchliffe, Matthew T. Cronan, Edward M. Waldron, Edwin A. Bradley, John J. Ryan and Ernest J. Heppenheimer.

CHAPTER XLI

SHAKE UP FOR THE TRUSTS

Governor Wilson Stays in Trenton After His Election as President to Work Further Reforms, and Passes a Law Remodeling the State's System of Chartering the Corporations—Definition of a Trust Clearly Set Out.

Governor Wilson had scarcely been nominated for the Presidency when self-seeking politicians began to importune him to lay down the Governorship. It would be, he was told, a reassuring expression of his own faith in the success of his National campaign. Then, too, it would open the way for the election of a new State Executive, in the same poll in which he was to stand for the Presidency, and the prestige of his candidacy would give the party an assurance of electing his successor that a gubernatorial election a year later might not afford. Wittpenn, the young grocer-boy who had become Mayor of Jersey City, believed he could easily capture the nomination in 1912, if the Governor would only step out of the way for him, and he actually went to Trenton to ask the Governor to do so. The Governor sent him back to his City Hall with an almost petulant refusal to listen to the proposition.

After he had been elected to the Presidency, the time of his departure from Trenton became of less political moment, and it was only casually discussed. If he had stepped out in November, Senator Prince, the Republican President of the State Senate, would have been Acting Governor, and given the Republicans a party advantage for two months that there was no use of giving them. The Presidential campaign had given the Democrats a majority in the State Senate that was to begin work in the following January. The Democrats would hold the Governorship through the Democrat the new body would choose to preside over it. All the party reasons made

for his retention of his State office at least till the organization of the new Legislature.

But the Governor found reason for remaining in command at the State House even beyond that. With his election to the Presidency, the people had elected a Legislature that was strongly Democratic. Including the discredited Fitzherbert, of Morris, there were 12 Democrats in the Senate, and only nine Republicans. The Assembly was almost unanimously Democratic; there were only eight Republicans in its membership of 60. The Nation was expecting its new chief to do wonders with a Legislature overwhelmingly in the control of his party.

The Governor himself had some plans of reform, suspended by the interference of the Republican Legislature of 1912, which he wished to perfect, and he concluded to work with the new Democratic Legislature for their enactment, till the eve of inauguration day. The treatment of the Trust question in the National campaign had so emphasized the evils of New Jersey corporation charter laws, as to lead the Nation to expect him to begin his national reform work right at home. He was eager, too, to divest the bosses of the last vestige of power by stripping their sheriffs of the jury drawing prerogative. The establishment of the initiative, referendum and recall as a State policy led him to insist upon a revision of the State Constitution, by a popularly chosen convention, for the purpose.

The Governor had succeeded in achieving only one of these three radical changes in State policy when he was called away to Washington. He had no difficulty in inducing legislation for the clipping of the wings of the corporations. But the Democrats in both Houses revolted at his insistment that the jury drawing prerogative should be taken out of the hands of the men whom the people themselves selected as a violent departure from his own oft-stated theory that "the People must Rule," and, though even after he had gone into the Presidency, he attempted to overawe the Legislature with the prestige of his exalted position, they refused to follow his lead in that direction. The small county Senators, for the second reform, balked the calling of a popular constitutional convention that they knew would rearrange the basis of Senate

representation in a way to destroy the control of that body by the little counties; and that also went by the boards.

It was a bold thing for the Governor to aim at the corportions, a new system of wing-clipping laws that might drive them to other States to seek their birthrights in view of the enormous revenue the State had for twenty years been deriving from their chartering, and the annual taxes exacted from them. New Jersey's income from that source had been so striking that half a dozen other States had passed laws, patterned after her own, in the hope of drawing some of the monster fund to their own treasuries. State Comptroller Edwards's annual report for 1913 showed that the State's total receipts from the corporations had aggregated between $34,000,000 and $35,000,000, and from the filing fees another $4,500,000. The filing fees alone had reached $771,000 in 1899, and nearly $700,000 in 1901. For ten years ending with 1912, the tax receipts had not fallen below $2,000,000, and at the time Governor Wilson's attack upon the laws began, the State was in receipt of a steady annual income, from both sources, only a few thousands short of $3,000,000.

But the splendor of the bribe "Big Business" was paying to the State for her liberal favors did not deter the Governor from carrying on his reform plans. Existing laws conferred upon the corporations, often irresponsible and delusive "wild cat" speculative organizations, privileges, dangerous in themselves, that the "big interests" were making more dangerous by a too free use of them. And in the analysis, they countenanced stock watering, overcapitalization, and interlocking directorates, and shielded offending officials and managing boards from prosecution, and altogether needed amending.

Even during his campaign for the Governorship, and later in his Presidential campaign, Dr. Wilson had insisted that corporation guilt should be made personal; and, in his annual message to the Legislature of 1913, he had adverted to it again as something the public welfare demanded. By the time the Legislature was ready to meet the abstract proposition, he had had it reduced to the concrete in a series of bills Chancellor Walker had drawn at his instance. There were seven bills in all in the series. And the nation was imme-

diately interested in the broader and wider definition they gave to the term Trust. The definition, extracted from one of the acts, declares:

A trust is a combination or agreement between corporations, firms or persons, any two or more of them, for the following purposes, and such trust is hereby declared to be illegal and indictable:

First.—To create or carry out restrictions in trade or to acquire a monopoly either in intrastate or interstate business or commerce.

Second.—To limit or reduce the production or increase the price of merchandise or of any commodity.

Third.—To prevent competition in manufacturing, making, transporting, selling and purchasing of merchandise, produce or any commodity.

Fourth.—To fix at any standard or figure whereby its price to the public or consumer shall in any manner be controlled any article or commodity of merchandise, produce or commerce intended for sale, use or consumption in New Jersey or elsewhere.

Fifth.—To make any agreement by which they directly or indirectly preclude a free and unrestricted competition among themselves or any purchasers or consumers in the sale or transportation of any article or commodity either by pooling, withholding from the market or selling at a fixed price or in any other manner by which the price might be affected.

Sixth.—To make any secret oral agreement or arrive at any understanding without express agreement by which they directly or indirectly preclude a free and unrestricted competition among themselves or any purchasers or consumers in the sale or transportation of any article or commodity either by pooling, withholding from the market or selling at a fixed price or in any other manner by which the price might be affected.

The animating principle of all the bills was that "guilt is personal." Not only was the offending corporation to lose its charter, under the act, but the directors, dummy or otherwise, were liable for prosecution for misdemeanor, with threat of an imprisonment and $1,000 fine as the penalty. Holding companies were forbidden. Overcapitalization was penalized.

Interlocking directorates were regulated. The crimes for which offending directors and officers might be pursued were specifically and definitely set out.

The seven acts were sent to the Secretary's desk in the Senate by Senator J. Warren Davis, the Democratic floor leader there. Four of them were sent to Senator Davis's own committee. The three others went to the Committee on Corporations of which Johnson, of Bergen, was chairman. There had been some friction betwteen the Governor and the Bergen Senator over local appointments, and Johnson was inclined to hold the bills in his hands. The corporations were endeavoring, too, by demanding hearings, to "string the acts along" till the Governor was to leave Trenton for Washington, in the hope of defeating them after his retirement, and the committee was suspected of a willingness to aid them. But Senator Davis had them called from the Committee's hands and recommitted to that of which he was himself the chairman.

When they made their appearance in the Senate, Mr. Read, the Republican minority leader there, subjected them to a battery of amendments. Mr. Read is a Camden lawyer, with several corporations on his string of clients. He had been much impressed by the ease with which the United States Courts had just read into the Sherman Anti-Trust Law the word that made only "unreasonable" restraints of trade actionable; and Lawyer Lindabury, who had gone to Trenton, as the counsel of the corporations, to plead for modifications of the pending bills, had been especially warm in urging this particular modification in them. And Senator Read moved their amendment. He thought, too, that only those of the directors or officers who sinned "knowingly" should be criminally liable. These, with a series of less important amendments, were defeated as quickly as they were offered, and the bills slid through in orderly procession. They were hurried to the waiting House of Assembly, and Leader Egan whipped them through that branch also. Governor Wilson awaited their arrival at the Executive Department with dipped pen, and with his signature immediately made laws of them.

The first provisional report filed in the State Comptroller's office by Irvine E. Maguire, Secretary of the State Board of

Assessors, after the passage of the acts, is quoted as proof that apprehensions of loss to the State as the result of their enactment, were not justified by the event. The first schedule filed for 1912 (prior to the passage of the laws) showed that 7,935 corporations had paid $2,529,059 in taxes to the State. That for 1913 (compiled after the laws had been passed) showed that 8,434 corporations had gone to the State for their charters and that the State had realized $2,578,716 from their patronage. But there were signs of a decline in the State's patronage later in the year.

While there was no visible opposition to the bills when on their way through the Legislature, the labor agitators were seized, immediately after their passage, by fears that the labor unions affiliated with the American Federation of Labor might be regarded as labor trusts and amenable to prosecution. And the Federation started on its way through the Assembly an act, offered by Assemblyman McCabe, of Essex, declaring that nothing in the Trust bills should be so "construed as to make any agreement or combination relating to the hours of labor to be performed by any person or persons, or to increase the wages of any person or persons, or any agreement affecting the hours, wages, sanitary or other conditions of labor, a violation of this act."

The purpose of the trades unions is to monopolize for their members all the working opportunities of the land, and, by persuasion, if that will answer, or by violence and intimidation, if they be necessary, to drive off all competition with them. Nothing would seem to furnish a more accurate description of a trust than that. But when the bill was on final passage in the Assembly, Beekman, of Somerset, Carrow, of Camden, Conrad, of Ocean, and Holcombe, of Hunterdon, were the only members who had the courage to vote against it. The rush of the closing hours of the session furnished the Senators with a pretext for excusing inaction on it, and it has no place on the minutes of proceedings there.

Samuel Gompers, the head of the Federation, came on from Washington to arrange for its passage in the special session of the Legislature held in May of 1913. Assemblyman Ford, the President of the State Federation, whose official position pointed to him as the particular sponsor of the bill, was

hoping at the time to induce President Wilson to give him the post of Public Printer in Washington, for which the President eventually named him; and he did not deem it prudent to embarrass Dr. Wilson's trust schemes in New Jersey with his personal interference. Henry F. Hilfers, the Secretary of the State Federation, was therefore placed on guard by Gompers, and charged with the duty of forcing the bill through at the special legislative session. President Wilson's reported readiness at the time to sign an act of Congress forbidding the use of a trust-prosecution fund, in the prosecution of the labor trust, encouraged the Jersey labor agitators to believe that they would have the aid of the Federal administration in securing its passage, but the special session minutes disclose no action on it.

CHAPTER XLII

WILSON GONE, HIS LAW FAILS

Defeat of His Sensational Efforts, Even After He Had Gone to the White House, to Overturn the State's Jury System, Quoted as Indicating a Recession of Wilson Wave in the State.

The failure of Dr. Wilson's strenuous efforts, even after he had become President of the United States, to overturn the ancient jury system of the State, and to force the passage of an act authorizing the drawing of a new State Constitution by a popularly chosen convention, was taken as the sign of a reactionary decline of the Wilson influence in State affairs. The purpose of the attack upon the jury system was one with which the State was in full sympathy. It was, as everyone knew, to make it impossible for boss-named Sheriffs to select boss-picked grand juries for the protection of boss-serving criminals. While the functions of the Sheriff call for a rough and ready kind of a man for their discharge, the Sheriffs as a rule have been law-abiding, self-respecting citizens. But the pages of this history bear ample testimony to the gross abuse of their prerogatives—and the persistent and almost unfailing abuse of their prerogatives, too—by those in three of the counties of the State. These counties are the pivotal ones of Hudson, the populous Democratic stronghold on the Hudson river front; Camden, the potential Republican stronghold on the Delaware; and Atlantic, notoriously the foulest nest of official corruption the State ever tolerated. Their importance in the roll of the counties makes political exemplars of them. The little fellows in the smaller counties feel that they are licensed to do the things which the great communities, representing both parties at the potential centers countenance. And the necessity of making the three counties the right kind of exemplars for the rest has

given birth to a very wide public demand for corrective legislation.

The boss power in New Jersey, which Governor Wilson set out to destroy, rests entirely on boss-named Sheriffs; and the Sheriffs were valuable to the bosses because of their power to appoint boss-picked jurors. The boss takes his pay in plunder or power, often in both. It was clear to the eye of even the unsophisticated that no vital blow could be struck at the boss power except through a reform of the jury-drawing system. And when Governor Wilson told the people that he was going to find a reform for them that would do the business, an approving hallelujah went up all over the State for him. But, when he proposed to make the reform by taking out of the hands of one of themselves whom they had chosen, the selection of grand juries that held the jail keys over them, and putting it in the hands of austere, unsympathetic, hard-hearted often foreign Judges who seem bent on getting as many of them into jail as they can, there went up a tumultuous clamor for something easier.

The Governor's proposition that the Judges be given power to draw grand jurors to help them jail people came at a time, too, when the Nation was denouncing judicial arrogance and clamoring for power to recall the Judges. At the very time when the Governor proposed to aggrandize the Courts with the jury-drawing prerogative, even the United States judiciary was being denounced up and down the land for usurping the legislative function by reading into the Sherman Anti-Trust Law a Trust-protecting word that is not in the text; and Theodore Roosevelt was vivifying its presumption as a national issue in the battle against the nomination of President Taft.

And what made the proposition particularly ungracious in New Jersey, the people had seen the Courts made up recently on political and even on factional lines; and the quality of fabled "Jersey Justice" severely strained in the lowering of the standard of Bench appointments. A Republican Judge in Hudson had come to be recognized as the servile tool of a conscienceless boss; and some judicial samples picked from the Progressive ranks were not hesitating to use their powers to advance the cause of their fellows. Apart from all that, the Judges, of whatever party, were every day setting aside

or reducing jury awards against the big corporations; and under a law enabling them to revise jury lists, they already practically had the power to dominate the presentments of grand inquests and verdicts of petty panels. The trend of the sentiment of the hour was to restrict their prerogatives rather than extend them as Governor Wilson proposed to do with his revival of the Judge-made jury commission scheme.

That eighteen of the twenty-one Sheriffs in the State whom the Governor proposed to divest of their most cherished prerogative were, at the time, of the Governor's own party, seemed to make his plan doubly inopportune. Every one of the southern tier of Republican counties had, in the new atmosphere with which the Governor's advent into the politics of the State had reinvigorated the party, replaced a long line of Republican Sheriffs with a line of Democratic successors. Camden had bestowed the office on ex-Mayor Joseph E. Nowrey. Old Burlington had given hers to Albert J. Jordan. Cumberland had elected Harry J. Gorman. Gloucester had chosen William C. Allen. Ocean had picked Frank Tilton, and Salem, John C. Ayres. In the middle State, Republican Mercer had chosen ex-Mayor Walter Madden, of Trenton; Morris, Whitfield D. Gillen. Only in Atlantic, Passaic and Union had the Republicans managed to escape the Wilson deluge in the Shrievalty campaigns.

One may hark away back into the past without finding the beginnings of the Jury Commission scheme in New Jersey. Its first notable demonstration came more than forty years ago when Republican Joint meetings of the Legislatures commissioned a lot of Republican ringsters to loot Jersey City. They had found it impossible to get control of the city by popular vote, she was so uniformly Democratic, and a Republican Legislature had given the city a charter that threw the choice of her rulers into the legislative joint meeting which was then as uniformly Republican. The gangsters had stripped the taxpayers, and then piled upon them a public debt that for a quarter of a century kept the city on the edge of bankruptcy. Democratic grand juries, drawn by the always Democratic Sheriff of the County, were a constant menace to the rogues; and, to save themselves from prosecution, they sought to have grand juries drawn by confederates of their own party.

The method by which they hoped to accomplish this was the passage of a law divesting the Sheriffs of their jury-drawing prerogative and transferring it to the Judges of the County Courts, whom, also, the Republican Joint meetings elected. The Sheriffs from other parts of the State made so stout an opposition to its general application that it was pared down so as to apply only to Hudson County. At that time, the Constitution had not been amended to require general laws for the government of the internal affairs of the counties; and the Court named the Commissioners. The work of the grand juries they drew was, however, so out of accord with the sentiment of the people that the repeal of the act was brought about in a Legislature two or three years later.

In 1888, when the Republicans had both branches of the Legislature, another jury commission law was enacted. For the reasons that had brought about the modification of the act of 1873, it, like that, was confined in its operation to Hudson County. The new clause requiring general laws had then, however, been put into the State Bill of Rights, and the law was of doubtful constitutionality. It aroused a storm of protest, and was fought in the arena of public discussion instead of in the Courts. The agitation resulted in the overthrow of the Republican majority in Trenton, and the Legislature of 1889, the first in many years to be Democratic in both branches, lost no time in passing a repealer. And the Republicans did not regain the control of the Legislature till 1894.

It took the jury commission idea a long time to recover from that blow; and it was not till it was revived in the name of the State Bar Association some years later, that more was thought of it. Its advocacy by so powerful a body gave a dignity to the proposition that brought it into the first full discussion, from the standpoint of its merits, to which it had yet been subjected. The opponents of the reform harked back into old English history to prove that the jury system it was now proposed to destroy for a Court-made system was devised in the Middle Ages, to thwart Court-made juries; and it was pointed out that a Judge-drawn jury was a step back into the past—a return, in the twentieth century, to a policy of judicial tyranny that even the vassals of the fifteenth century would

not tolerate—a surrender of all that had been gained in the cause of human liberty, in the days of Magna Charta.

Nor, it was said, was there any assurance, in the relations of the Judges of to-day to grand inquisitions, that the barbarisms of the feudal days would not be repeated, as far as new conditions permitted, under it. Scarcely a term of Court passed without its spectacle of a Judge denouncing a grand jury because it had not handed up to the Court some citizen whom the Court was eager to shackle with the irons of the felon. Panels of high-class citizens were continually being scathed for their refusal to act on the Judge's conscience rather than on their own, and contemptuously turned out of the judicial presence without the conventional thanks of the Court. As a rule, the shamed grand jurors had listened in meek silence. Only in one instance had a jury dared to resent the Court's interference with its discharge of its sworn duty. Joseph Salus, the foreman of an Atlantic County grand jury, challenged the Judge's right to scold it for what it did not do or praise it for what it did do. It was as supreme in its province, he declared, as the Court was in its province. And the Court had no more right to tell it what it should do than the grand jury had to tell the Judge what he should do.

Salus's grand jury had been dealing with some of the delinquencies in Atlantic City; and his defiance may not have been in a particularly good cause. But the view he held as to the sovereignty of the grand jury over its own work, was sent resounding all over the State later in a ringing protest, uttered from the Supreme Court Bench itself, by Justice Charles G. Garrison, against Court interference with grand jury work, when rendering a minority opinion in the case of the State against Zeller. On charges of having robbed the county, ex-Sheriff Zeller, who had been a confidant of Bob Davis, was indicted by an Elisor-drawn jury after several Sheriff-drawn juries had ignored the accusations. When he appealed from his unescapable conviction, it was wholly on the ground that Associate Justice Swayze had no right to name Elisors. Speaking for the majority of the Supreme Court, Chief Justice Gummere denied the appeal; and the line of his ruling furnished Associate Justice Garrison

with the text for a brilliant minority decision, that has taken rank in the Judicial Reports as a classic.

He wrote that he could find "no vestige of authority" for the view that the Courts have the right to call into being grand juries selected by Court appointees. The Chief Justice's assumption that the failure of precedent was because such authority was so universally conceded that no one ever thought of disputing it, "ignores alike the history of the English Constitution and the fulness and fidelity of her legal literature," the Justice continues. "Rather is it that the existence of such authority was so plainly repugnant to the Bill of Rights that no court in England since Magna Charta has ever thought of exercising it; for the significance of the historic pledge of the English king that no subject should be put to criminal trial unless upon presentment by the grand inquest lay in the fact that the grand inquest was selected by the sheriff of the county or the coroners, whereas the 'inquests for the hundreds,' which had persisted since Bracton's time were, oftener than not, selected by the appointees of the king's judges. It was precisely at this practice that the paramount provision of Mogna Charta was directly aimed. To say that the desired result was not attained is to rewrite history. To say that it was attained, but that the reprobated practice was suffered to be resumed by the king's judges, not only without challenge, but without ever attracting the attention of legal historians, is at once to misconceive the temper of the English people, and to undervalue the historians of their law. If such had been the fact, some case, one at the very least, would have been recorded, and, what is more, would have figured large in the history of English constitutional law."

There were other reasons, apart from the partisan and legal and public welfare arguments, that made the people well satisfied with the grand jury system as administered by the Sheriffs. With grand juries drawn by Sheriffs whom they had selected—and whom they selected almost invariably with a particular view to the kind of grand juries he would give them—the communities were provided with an automatic "Home Rule" machine that would exactly adjust the general laws to their special needs. All the laws of a State are

not for all the communities. There are some they are glad to obey; there are others to which they can never be forced to yield. The statute books of New Jersey—of all the States—are cumbered with enactments to which no one ever thinks of paying attention. Some state officials, armed with no better answer to a popular discontent than that such and such is the law and they must enforce it, do not seem to realize that it is physically possible for them to enforce only part of it, and that if they could enforce it all, as it is written in all the statutes, and were to undertake to do it, their people would head them to the nearest river and throw them overboard. A general system of laws cannot be drawn, with such infinitesimal detail, and such plastic closeness as to meet the particular little local needs and views and interests of each of the communities. So the consequence is that the State makes a great variety of laws, and the communities pick from the mass those that please them, and do not repudiate the rest, but just forget to pay attention to them.

A widely familiar instance in point is the treatment of the law forbidding Sunday liquor, by the several counties. Some of the rural counties are devoted to a solemn Sabbath, and the law enforces itself in them. But the cosmopolitan counties of Hudson and Essex are no more tolerant of prohibition one day in the week than of prohibition on the six other days of the week; and the Sheriff who ventured to give to either a grand jury that indicted because the lid was not kept down tight in them on Sundays would be promptly thrown out of office and superseded by one better acquainted with the public temper. So, in Atlantic City, whose Sunday frivolities are vital to its greatness as a people's playground, and a source of large profit to the county folks, sentiment will not tolerate the prosecution of those who defy the State law to provide them. Thus a law that is a living force in some places is a dead letter in others of them. And other counties, where the liquor problem may not be a large one, have their own local prejudices, and likes and dislikes, and needs and interests which the grand juries, drawn by Sheriffs whom their people select, always respect in their presentments. The Sheriff-made grand jury has come to be regarded in New Jersey as an instrument of fortune that, softening the unelastic rigors of the State's

general system of laws to the local interests, makes for that Home Rule which is the perfection of local government.

These considerations, if they came to his mind, did not impress Governor Wilson in his effort, while dealing as Governor with the Legislature of 1913, to force a Judge-made Jury Commission system upon the State. All he saw was the boss who was behind the Sheriff, and he was bound to hit him a fatal blow, even if the Sheriff, and all the traditions of the people, went down with him. But when Assemblyman Zisgen, of Bergen, introduced into the Assembly an act embodying the Governor's suggestion, the adverse sentiment was not slow in manifesting itself, and the legislators who had been his ready allies in the passage of the anti-corporation laws, balked at following him in this new enterprise of reform. He appealed to the public and called the legislators into conferences. But all his splendid eloquence was wasted on them. Only a small minority of the more devoted could be persuaded.

Then the gubernatorial suggestion shifted. A proposition for elective jury commissioners was met with the argument that the Sheriff himself was practically an elective jury commissioner, and that there was nothing to be gained by a reform that replaced one official with another exactly like him. The elective system had not appealed to the Governor's mind. This was a time when the "People must Rule" theory was not to be thought of. He was for an appointive commission. If the Legislature would not let the Judges make the appointments there was only one other official to do it—that was the Governor. It was urged at once that that would make the Governor as much of a State autocrat as the Sheriff had become a county autocrat, and that it seemed illogical to make State-wide a policy that was so obnoxious when it was only county-wide. But it was not so violative of fundamental principles as the Judge-made commission would be. And the conferees came away from the Executive Chamber prepared, but reluctantly, to advocate Governor-made commissions.

On second thought they repented; and, when the Zisgen bill, amended so as to substitute the Governor for the Judges, was called up, a motion to table it prevailed. The Gov-

ernor was impelled to send a message to the House admonishing "those who hesitate in this matter" that they "will be under a very grave responsibility." The warning message was used in an effort to take the bill from the table. But it was not effective, and the motion to put it on the calendar on second reading was defeated by 31 to 14. The 14 who voted to progress it were Agnew, of Bergen; Beekman, Hennessy, Holcombe, Kirkpatrick, Matthews, of Essex; Moser, Mount, Murray, Neighbour, Porter, Quinn, Smick and Zisgen. A suggestion that an amendment authorizing the Governor to appoint in those counties which, in a popular referendum, voted for that method of jury drawing might make the act acceptable all around, resulted in the bill being put before the Assembly. Governor Wilson was exhorting the Assemblymen to take the referendum clause out of it when he was forced to lay down his State office to assume the Presidency of the United States.

He watched developments in Trenton, however, with a keen interest, and when apprised of the refusal of the House to eliminate the obnixious amendment, he sent this wire to Senator Davis, the Democratic leader in the upper chamber, and his personal sponsor:

"I feel very strongly our party's unequivocal commitment to jury reform and that the terms of referendum in the present bill are a virtual nullification of the reform. Can we not give the people what they demand without qualification?"

It was assumed that Dr. Wilson's greater prestige as President would overawe the legislators; and with this despatch in his hands, Davis whipped through the Senate a bill of his own providing for Judge-drawn commissions. The House added a referendum clause to it and sent it back to the Senate. The Senate refused to accept the amendment. Conference committees failed to reach an agreement and the Legislature adjourned for the year, leaving the Sheriffs in undisputed possession of their prerogative.

Under pressure from the White House, a special legislative session was held in May for the further consideration of the subject. The Governor's followers in the Legislature insisted upon a bill for appointive commissions with no referendum. The discussions evinced a determination to refuse commis-

sions named by the Courts, and a disinclination to add the right to appoint them to the other large prerogatives of the Governor. President Wilson's suggestion was that a middle ground might be found in placing the power with the Chancellor. The Governor's friends in the Legislature hailed the suggestion as a happy solution of the problem; but the Assembly still refused to authorize appointive commissions in any form, without consulting the people about it, and insisted that the bill provide for a popular vote on the question whether the Sheriff or the Chancellor shall select the jurors. It was the best the reformers could get, and in despair they passed the Chancellor bill with the popular referendum. The bill fixed the fall of 1913 for the taking of the sense of the people on the subject.

To the surprise of the State, the proposition carried by a majority exceeding 30,000. The supposition was that the opponents of the change had allowed the Anti-Saloon League, which had long been searching in vain for the control of grand juries, to steal a march on them. Ten days after the election, however, Supreme Court Justice Swayze declared a State wide referendum in legislation unconstitutional and set the law aside, to await the later decision of the Court of Errors and Appeals.

CHAPTER XLIII

SMALL COUNTIES STILL RULE

Defeat of Effort to Pass Law, Approved by the Governor, for the Election of a Popular Convention to Draw a New Constitution, Ends President Wilson's Gubernatorial Activities in New Jersey.

While the checkmating of all his plans for jury reform, by a legislature of his own party that had ridden into Trenton on the same election wave that had carried him to Washington, may have been regarded, with colorable reason, as symptomatic of the decline of Dr. Wilson's influence in State affairs the moment he laid down the scepter of State power, the equally pronounced defeat of his efforts to force a popular convention for the remodeling of the State Constitution can scarcely be said to have had that significance. The recasting of the State's organic law has been always recognized by the seasoned politicians as a political and legislative impossibility. The fear of the loss of their predominance in State affairs has ever prompted the Senators from the smaller counties to defeat, in the Senate, all juggling with the Constitution, except its patching here and there with specific amendments designed to meet the growing wants of time. And, when Governor Wilson set out to throw away the old charter of 1844, which by giving each county one and only one Senator, makes the smallest county as potent as the largest in the State Senate, he entered upon a task that no one before him had ever undertaken with the hope of accomplishing it. Not excepting Sewell and Abbett, Governor Wilson is the most masterful force that has ever come into State affairs. But if his arm had been ten times as powerful, it would yet have lacked the strength to batter down this ancient refuge of the minority counties.

Tradition, as well as love of power, rooted the adherence of the lower-State Senators to the protection of the county system of Senate representation. In the days when the Federal Union was being formed, New Jersey had balked at the effort to tempt her into the Federation because she was small and fearful of being overpowered in the National Legislature by the larger commonwealths in the pact; and it was in response to her insistence upon an equal voice with the largest of them there that the basis of representation in the United States Senate is by States and not by people. The system by which each State, however small, has two votes in that House of Congress, and no State, however large, more than two, became famous in the Constitutional discussions of 1788 as "The Jersey Idea."

And when the State entered upon the work of building a new system of government for herself in 1844, adherence to the "Jersey Idea" of 1789, led to the establishment of the Upper House of the Legislature, on the same basis of equal representation for the counties. The subject was not of such large importance at that time, because none of the counties was over-large; they were a family of little communities. And the charter builders readily agreed to the proposition that each county should have one, and only one, seat in the State Senate. The rapid growth of population in the north State counties had changed the relations in late years. It chafed the million and a quarter people in Hudson, Essex and Passaic counties to have but three representatives in that branch of the Legislature, while the other million and a quarter, scattered over the other sparsely settled eighteen counties, had eighteen; and for years there had been agitation for a change to the population basis in the election of State Senators. Acts for Constitutional Conventions, in which each county was to have as many delegates as its population entitled it to, had been put through the Assembly repeatedly, only to be defeated by the eighteen small county votes in the Senate; and only such changes had been made in the organic law in all the years since 1844 as the Legislature specifically voted and the people ratified.

Constitutional Commissions had been authorized by the Legislatures of 1873 and 1894 to draw amendments to the

State Charter. But in each case the dominance of the small counties in the Senate had been carefully conserved. For that of 1873, the Governor was to appoint two members from each Congressional district, and the State was then districted in such a way that the small counties had more districts than the large ones. The Constitutional Commission of 1894 was barred from proposing other changes than those which might affect the jurisprudence of the State. In both cases, the Commissions were required to report their deliberations to the Legislature, and the Senate stood on guard to prevent the ratification of any suggestion of a change in its make-up.

The Governor's purpose in going into the movement for a change may have been answered by the political advantages his mere participation in it brought to him. The bulk of the State's population is in the great counties to the north that had been agitating for a new Senate system. The Democratic vote is in them, too. The less populous counties to the south have been staunch in their Republicanism since the days of Fremont. It was the part of good politics for the Governor, on the edge of his Presidential campaign, to bid for the Democratic vote in the populous counties by taking up the cudgels for them against the smaller Republican counties. He was no worse than seekers after other big places, if his real interest in their cause ended with election day.

The reform he would have most sought in the new instrument would have gone far beyond the reorganization of the State Senate from the county to the population basis of representation. If he could have secured the popular convention, he would have changed the governmental system from the representative one to the initiative, referendum and recall plan of rule to which he had given his advocacy after leaving Princeton University. And he may have believed that his labors for the change were to be crowned with success when he persuaded the unique State Convention his election law called for, to declare for a popularly elected Constitutional Convention. Sitting with the Governor in that State Convention were the Democratic candidates for the Senate in the small counties, who were afterward elected. It voted unanimously for the passage of a Constitutional Convention

bill plank in the State platform. The votes of Davis, now Senator from Salem, of Wheaton from Cape May, of Munson from Sussex, Low of Ocean, Martens of Hunterdon, and Barber of Warren—all representing the diminutive counties—helped to make it unanimous. The Governor had a right to expect that they would vote in the Legislature as they had in the Convention; with the aid of the Senators from Hudson, Essex, Union, Passaic, and Middlesex, the Constitutional Convention scheme, easily and always popular in the Assembly, would have been ratified by the Senate as well—and the thing would have been accomplished.

It cannot be said that the Democratic Senators from the small counties repudiated their convention pledge after election was over. They were still all in favor of a convention. But they began to haggle about the lines upon which it should be made up. Even Davis of Salem, the Governor's sponsor on the Senate floor, and, as its Democratic leader, foresworn to the passage of a convention bill, hemmed and hawed, and backed and filled about it. He could not think of risking little Salem's force in the Senate to a population basis convention, and Governor Wilson himself, now that election was over, ceased to be particular about how the convention was made up if only there could be a convention.

In the ardor of the discussion it finally came to be questioned whether there was any legal way of giving the State a new Constitution. Where, for instance, did the Legislature get the power to order the tearing up of the Constitution that was the only warrant for its existence? And, if it assumed it, who was authorized to declare the passing of the old and to promulgate the coming of the new? Attorney General Edmund Wilson made these inquiries pregnant with a written opinion that neither Governor nor lawmakers were empowered to act—that the Constitution itself provided the only means for its renovation, by amendments ratified by two Legislatures and then by the people. And when it was answered that the Legislature had started the movement that eventuated in the Constitution of 1844, reply was made that up to 1844 the State had had no Constitution that limited the powers of the Legislature, but was operating under a charter that still recognized the King's Sovereignty.

The topic had been thrashed out in all its varying aspects when Charles O'Connor Hennessy, Member of Assembly from the County of Bergen, State of New Jersey, shied a bill into the arena, calling for a popularly chosen convention, in which each county would be represented by as many delegates as its population entitled it to. Much to the annoyance of Charles O'Connor Hennessy, it was allowed to lie in Committee while the temper of the Senate was being tested. Governor Wilson called the small county sponsors into the Executive Chamber and labored with them, but without avail. They would never, they said, consent to a population basis convention that would be sure to make a Constitution providing for a population basis Senate.

To meet these objections it was finally agreed that when the convention came to vote on the clause in the new Constitution fixing the Senate representation, the delegates from each county should vote as a unit—all from each county should count as one vote. The compromise seemed to quiet the apprehensions of the objecting Senators. But it dawned on them later that a mere legislature had no right to forestall the proceedings of a convention of the sovereign people; and, even if it had and the popular convention were to throw its instructions to the winds, and were to vote each delegate separately, and consequently report a Senate reorganization on the population basis, what could be done about it? It would be an exercise of popular sovereignty that no Court would have the temerity, if it had the power, to dispute. The more the pocket-borough Senators turned the proposition over in their minds, the more convinced did they become that the compromise safety clause in Charles O'Connor Hennessy's bill was no guarantee whatever against the disturbance of the existing system of Senate organization. The passage of the act, even with the safety clause in it, became endangered again: and Hennessy, concluding that there was as much chance of its passage in one shape as in the other, took the compromise clause out of the act, and forced it to a vote. The members of the five Hudson river counties, where the bulk of the State's population lies, cast 40 votes for it; and it was sent to the Senate for the inevitable vote

against it. Colgate, Johnson, Fitzherbert and McGinnis were the only Senators who voted for it. The adverse vote of the seventeen other Senators put it out of the way for the winter.

DRAMATIS PERSONAE

The names of the Governors of New Jersey, of the Presidents of the Senate, and Speakers of the House of Assembly, with those of the members of the two Houses of the Legislature, during the years covered by the narrative in this volume.

1894—118th Session

GOVERNOR
George T. Werts

SENATE

Samuel D. Hoffman	Robt. Adrain
Henry D. Winton	James A. Bradley
M. B. Perkins	Elias C. Drake
M. A. Rogers, President	George G. Smith
L. E. Miller	John Hinchliffe
E. C. Stokes	John C. Ward
Geo. W. Ketcham	Lewis A. Thompson
D. J. Packer	J. H. McMickle
Wm. D. Daly	Foster M. Voorhees
Wm. H. Martin	Christopher F. Staates
Wm. H. Skirm	Republicans, 11; Democrats, 10.

HOUSE OF ASSEMBLY

Fred'k Schuchardt	Chas. B. Duncan
Wm. Dewsnap	Jos. P. Clarke
David D. Zabriskie	Joseph M. Byrne
Aug. C. Stecher	Thos. A. Murphy
M. E. Matlack	Dennis F. Olvaney
Clayton Stafford	Thos. P. Edwards
William Watson	John C. Eisele
Wm. J. Thompson	J. B. Woolsey
E. L. Ross	Chas. B. Storrs
Thos. F. Austin	George P. Olcott
John N. Glaspell	S. H. Stanger
William Harrigan	E. Berry

Max Salinger
Thos. Egan
Hugh A. Kelly
George W. Harding
T. J. Carroll
John Kerr
Thos. McEwan, Jr.
Michael J. Coyle
Chas. Erlenkotter
James Usher
Chas. N. Reading
Wm. C. Alpaugh
Wm. L. Wilbur
John Ginder
W. T. Exton
John W. Beekman
W. F. Harkins
A. H. Slover

D. D. Denise
Chas. L. Walters
Rich'd Borden
Chas. A. Baker
Wm. C. Bates
John T. Burton
John I. Holt, Speaker
John McKelvey
Thomas Flynn
William I. Lewis
William Diver
Frank W. Somers
Wm. P. Coursen
John N. Burger
Joseph Cross
Charles N. Codding
L. M. Wilson
Samuel V. Davis

Republicans, 39; Democrats, 21.

1895—119th Session

GOVERNOR

George T. Werts

SENATE

Samuel D. Hoffman
Henry D. Winton
William C. Parry
M. A. Rogers
E. L. Ross
E. C. Stokes, President
G. W. Ketcham
Daniel J. Packer
Wm. D. Daley
Richard S. Kuhl
Wm. H. Skirm

Chas. R. Herbert
James A. Bradley
Elias C. Drake
G. Greeley Smith
Robert Williams
John C. Ward
Lewis A. Thompson
Jacob Gould
Foster M. Voorhees
Christopher F. Staates

Republicans, 16; Democrats 5.

HOUSE OF ASSEMBLY

W. C. Smith
David D. Zabriskie
F. L. Voorhees
M. E. Matlack

George Wildes
Louis Theodore Derousse
Clayton Stafford
George W. Barnard

F. L. Ludlam
Thos. F. Austin
Bloomfield H. Minch
Geo. P. Olcott
Amos W. Harrison
Charles B. Storrs
A. F. Skinner
Chas. B. Duncan
James A. Christie
George L. Smith
David E. Benedict
John C. Eisele
Chas. A. Schober
F. W. Mock, Jr.
S. H. Stanger
W. N. Parslow
Henry C. Gruber
James Usher
H. M. Nutzhorn
J. F. Blackshaw
F. Schober
Pierce J. Fleming
Robt. McAndrew
Richard M. Smart
Wm. E. Drake
D. H. Cagney

Chas. N. Reading
W. C. Alpaugh
W. L. Wilbur
John Ginder
Wm. T. Exton
George Henry Tice
Edward W. Hicks
A. H. Slover
D. D. Denise
Chas. A. Francis
George H. Snyder
Chas. A. Baker
Wm. C. Bates
Abraham Lower
Jas. Robertson
Samuel Bullock
Samuel Frederick
John King
Chas. W. Powers
F. W. Somers
W. P. Coursen
Chas. N. Codding
Joseph Cross, Speaker
John N. Burger
Samuel V. Davis
George W. Smith

Republicans, 54; Democrats, 6.

1896—120th Session

GOVERNOR
John W. Griggs

SENATE

Samuel D. Hoffman
William M. Johnson
Wm. C. Parry
M. A. Rogers
E. L. Ross
E. C. Stokes
Geo. W. Ketcham
D. J. Packer
W. D. Daly

Richard S. Kuhl
Wm. H. Skirm
Chas. R. Herbert
James A. Bradley
John B. Vreeland
R. B. Engle
Robert Williams
John C. Ward
Lewis A. Thompson, President

Jacob Gould
Foster M. Voorhees

C. F. Staates
Republicans, 18; Democrats, 3.

House of Assembly

M. L. Jackson
J. H. Ullmann
F. L. Voorhees
Eugene Wildes
J. E. Borton
Louis T. Derousse, Speaker
Frank L. Lloyd
Henry S. Scovel
F. L. Ludlam
Thos. F. Austen
B. H. Minch
A. F. Skinner
A. W. Harrison
George L. Smith
Chas. H. Duncan
James A. Christie
D. E. Benedict
Chas. A. Schober
Thomas H. Jones
Albert J. Simpson
Hayward A. Harvey
James J. Hogan
S. H. Stanger
W. N. Parslow
Pierce J. Fleming
R. M. Smart
David H. Cagney
Carl H. Ruempler
John Wahl Queen
Edward Hoos
John E. Hewitt

Joseph P. Mullin
Horace Allen
Chas. T. Bauer
William C. Alpaugh
David Lawshe
Elijah C. Hutchinson
George W. McPherson
J. Wiggans Thorne
George Henry Tice
Edward W. Hicks
Andrew H. Slover
George B. Snyder
Chas. A. Francis
Alfred Walling, Jr.
Chas. F. Hopkins
Joseph B. Righter
Abraham Lower
James Robertson
John King
Samuel Bullock
Henry W. Gledhill
Charles W. Powers
Chas. A. Reed
W. P. Coursen
Henry Clauss
J. Martin Roll
Wm. R. Codington
Alfred L. Flummerfelt
Wm. K. Bowers
Republicans, 43; Democrats, 16.
Independent, 1.

1897—121st Session

Governor
John W. Griggs

Senate

Samuel D. Hoffman
William M. Johnson

William C. Parry
Herbert W. Johnson

E. L. Ross
Edward C. Stokes
George W. Ketcham
S. H. Stranger
William D. Daly
Richard S. Kuhl
William H. Skirm
Charles R. Herbert
C. Asa Francis
John B. Vreeland
Robert B. Engle
Robert Williams, President
Richard C. Miller
Charles A. Reed
Jacob Gould
Foster M. Voorhees
Isaac Barber

Republicans, 18; Democrats, 3.

House of Assembly

M. H. Jackson
Jacob H. Ullmann
Abram C. Holdrum
George Wildes
J. E. Borton
Louis T. Derousse
Frank T. Lloyd
Henry S. Scovel
Robert E. Hand
Bloomfield H. Minch
James J. Hunt
E. F. Steddig
A. J. Simpson
A. C. Ebie
George B. Harrison
Peter B. Fairchild
Thomas H. Jones
Jacob Rau, Jr.
James I. Hogan
Charles W. Powers
Carl V. Baumann
Geo. W. W. Porter
David O. Watkins
Elmer W. Demarest
Isaac F. Goldenhorn
Chas. M. Evans
William George Nelson
William M. Klink
Robert D. Urquhart
Theodore C. Wildman
John E. McArthur
C. DeR. Leonard
William H. Dod
Wm. O. Armbruster
David Lawshe
George F. Martens, Jr.
Elijah C. Hutchinson
Gei. W. MacPherson, Speaker
J. Wiggans Thorne
A. C. Litterst
J. H. Whitfield
James Fountain
Wm. H. Reid
Oliver H. Brown
D. E. Van Wickle
Chas. F. Hopkins
Joseph B. Righter
R. A. Clark
Henry W. Gledhill
Frank Atherton
John King
Phineas Bridge
Joseph B. Crispen
P. V. D. Van Doren
Horace E. Rude
Henry Clauss
J. Martin Roll
William R. Codington
A. H. Flummerfelt
W. K. Bower

Republicans, 56; Democrats, 4

1898—122d Session

Acting Governor
Foster M. Voorhees

Senate

Samuel D. Hoffman
William M. Johnson
Howard E. Packer
Herbert W. Johnson
Robert E. Hand
Edward C. Stokes
George W. Ketcham
Solomon H. Stanger
William D. Daly
John R. Foster
W. H. Skirm, President pro tem.
James H. VanCleef
C. Asa Francis
John Beam Vreeland
Robert B. Engle
Christian Braun
Richard C. Miller
Chas. Arthur Reed
Lewis J. Martin
Foster M. Voorhees, President
Isaac Barber

Republicans, 14; Democrats, 7.

House of Assembly

Leonard H. Ashley
A. C. Holdram
John M. Bell
Charles Wright
Joel Horner
William J. Bradley
John H. McMurray
Edgar J. Coles
Eugene C. Cole
James J. Hunt
W. L. Shropshire
Jacob Rau, Jr.
Edward F. Steddig
Jacob R. Johnson
Albert T. Guenther
Geo. W. W. Porter
A. C. Ebie
Carl V. Baumann
Oliver B. Dawson
Wm. C. Schmidt
Charles W. Powers
Peter B. Fairchild
David O. Watkins, Speaker
Allan Benny
Alexander Simpson
James J. Murphy
J. P. Hall
Timothy J. Carroll
Fergus T. Kelaher
Adolph Walter
Michael J. Bruder
Horace L. Allen
John J. Marnell
Charles T. Bauer
David Lawshe
George F. Martens
John B. Yard
Frank M. Weller
Henry J. Nicklin
Adam Eckert
J. H. Ridgeway
J. J. Quaid
Joseph L. Butcher
Joseph C. Heyer
B. Drummond Woolley
Jacob W. Welsh
George E. Poole
Roderick N. Clark

Wood McKee
Henry W. Gledhill
Jacob W. Sturr
John Donohue
John B. Crispen
P. V. D. Van Doren
E. E. Smith
George A. Squire
Roger A. Murray
Robert G. Houston
A. L. Flummerfelt
Wm. K. Bowers
Elijah C. Hutchinson
Republicans, 37; Democrats, 23.

1899—123d Session

GOVERNOR
Foster M. Voorhees

SENATE

Lewis Evans
William M. Johnson
Howard B. Packer
Herbert W. Johnson
Robert E. Hand
Edward C. Stokes
George W. Ketcham
S. H. Stanger
Allan L. McDermott
John R. Foster
Elijah C. Hutchinson
James H. Van Cleef
Charles A. Francis
Mahlon Pitney
George G. Smith
Christian Braun
Richard C. Miller
Charles A. Reed, President
Lewis J. Martin
Joseph Cross
Isaac Barber
Republicans, 14; Democrats, 7.

HOUSE OF ASSEMBLY

Leonard H. Ashley
John M. Bell
Edmund W. Wakelee
Charles Wright
Joel Horner
William J. Bradley
John H. McMurray
Edgar J. Coles
Elias H. Marshall
W. L. Shropshire
Jesse S. Steelman
Jacob Clark
Albert T. Guenther
John W. Weseman
John Kreitler
F. J. Deleot
G. F. Braudenburgh
William Mungle
John L. Bullard
John N. Klein
John P. Dexheimer
Benjamin F. Jones
D. O. Watkins, Speaker
Leon Abbett
Allan Benny
Maurice Marks
James J. Murphy
Timothy J. Carroll
James P. Hall
John H. Vollers
John J. Marnell
F. T. Kelaher

J. E. Walschied
M. J. Bruder
Oliver I. Blackwell
George F. Martens, Jr.
John B. Yard
Ira W. Wood
H. J. Nicklin
Adam Eckert
Joseph H. Ridgeway
J. J. Quaid
Jos. L. Butcher
Jos. C. Heyer
B. D. Woolley
Jacob W. Welsh
George E. Poole
Courtney C. Carr
Wood McKee
Vivian M. Lewis
John W. Sturr
John King
Frank Wright
E. E. Cooper
Alvin E. Smith
Robert G. Houston
George A. Squire
Roger F. Murray
Hiram D. White
Jacob B. Smith

Republicans, 37; Democrats, 23.

1900—124th Session

GOVERNOR

Foster M. Voorhees

SENATE

Lewis Evans
William M. Johnson, President
Howard B. Packer
Herbert W. Johnson
Robert E. Hand
Edward C. Stokes
Thomas N. McCarter, Jr.
S. H. Stanger
Allan L. McDermott
John R. Foster
E. C. Hutchinson
James H. Van Cleef
C. A. Francis
Mahlon Pitney
Geo. G. Smith
Christian Braun
R. C. Miller
Chas. A. Reed
Lewis J. Martin
Joseph Cross
Johnston Cornish

Republicans, 14; Democrats 7.

HOUSE OF ASSEMBLY

Charles T. Abbott
Edmund W. Wakelee
Charles Wright
Joel Horner
W. J. Bradley
F. F. Patterson, Jr.
E. T. Gill
E. H. Marshall
Jesse S. Steelman
William J. Moore
Jacob Clark
J. Henry Bacheller

J. W. Weseman
John Kreitler
William Mungle
F. J. Deleot
G. P. Brandenburgh
John N. Klein
John P. Dexheimer
Benjamin F. Jones, Speaker
George S. Campbell
Wm. P. Buck
Leon Abbett
Allan Benny
Maurice Marks
James J. Murphy
T. J. Carroll
P. Anthony Brock
George G. Tennant
John J. Fallon
John H. Vollers
J. E. Walscheid
E. J. Rice
Oliver I. Blackwell
W. G. Laudenberger
J. Warren Fleming
Ira W. Wood
F. P. Rees
Adrian Lyon
Harvey R. Groves
John E. Montgomery
S. W. Kirkbride
Williams Hyres
Charles R. Snyder
Jacob W. Welsh
Samuel L. Garrison
C. Crane Carr
Vivian M. Lewis
John King
Edmund G. Stalter
Richard Berry
Henry J. Blohm
Edward Everett Cooper
Elvin E. Smith
Ellis R. Meeker
Chas. M. Smith
Charles S. Foote
Hiram D. White
Jacob B. Smith

Republicans, 43; Democrats, 16.
One Vacancy

1901—125th Session

GOVERNOR
Foster M. Voorhees

SENATE

Lewis Evans
Edmund W. Wakelee
Nathan Haines
Herbert W. Johnson
Robert E. Hand
Edward C. Stokes
Thomas N. McCarter, Jr.
Solomon H. Stanger
Robert S. Hudspeth
W. C. Gebhardt
Elijah C. Hutchinson
Theodore Strong
C. A. Francis
Mahlon Pitney, President
George G. Smith
Wood McKee
Richard C. Miller
Chas. A. Reed
Lewis J. Martin
Joseph Cross
Johnston Cornish

Republicans, 17; Democrats, 4.

House of Assembly

Charles T. Abbott
Joseph H. Tillotson
Joseph W. Mercer
Charles Wright
John G. Horner
William J. Bradley, Speaker
George A. Waite
E. T. Gill
Lewis M. Cresse
Jesse S. Steelman
William J. Moore
J. Henry Bacheller
Wm. B. Garrabrants
John Howe
Robert W. Brown
R. B. Schmidt
Edward E. Gnichtel
William G. Sharwell
Edgar Williams
Fred'k. Cummings
Robert M. Boyd, Jr.
William A. Lord
William P. Buck
Leon Abbett
P. Anthony Brock
Patrick H. Connolly
John A. Dennin
John J. Fallon
Kilian V. Lutz
Maurice Marks
Edward J. Rice
Peter Stillwell
George G. Tennant
John H. Vollers
Oliver I. Blackwell
W. O. Laudenberger
J. W. Fleming
George W. Page
Fred'k. P. Rees
Adrian Lyon
H. R. Groves
John E. Montgomery
S. W. Kirkbride
William Hyres
Chas. R. Snyder
Samuel L. Garrison
Charles R. Whitehead
Courtney C. Carr
Vivian M. Lewis
Edmund G. Stalter
Wm. B. Davidson
Hiram Keasler
Henry J. Blohm
Henry W. Hoagland
Thomas M. Roe
Ellis R. Meeker
Charles M. Smith
Charles S. Foote
Hiram D. White
Jacob B. Smith

Republicans, 45; Democrats, 15.

1902—126th Session

Governor
Franklin Murphy

Senate

Edward S. Lee
Edmund W. Wakelee
Nathan Haines
Herbert W. Johnson
Robert E. Hand
Bloomfield H. Minch

Thomas N. McCarter, Jr.
Solomon H. Stanger
Robert S. Hudspeth
William C. Gebhardt
Elijah C. Hutchinson
Theodore Strong
C. Asa Francis, President
Jacob W. Welsh
George L. Shinn
Wood McKee
Richard C. Miller
Charles A. Reed
Lewis J. Martin
Joseph Cross
Johnston Cornish
Republicans, 17; Democrats, 4.

House of Assembly

Thomas C. Elvins
Joseph H. Tillotson
James W. Mercer
Charles Wright
John G. Horner
William J. Bradley, Speaker
Ephraim T. Gill
George A. Waite
Lewis M. Cresse
William J. Moore
Louis H. Miller
J. Henry Bacheller
William B. Garrabrants
John Howe
Robert W. Brown
William G. Sharwell
Ralph B. Schmidt
Edward E. Gnichtel
Edgar Williams
Frederick Cummings
Robert M. Boyd, Jr.
William A. Lord
John Boyd Avis
Patrick H. Connolly
John A. Dennin
John J. Fallon
James A. Hamill
William F. Hurley
Kilian V. Lutz
Edward J. Rice
Carl G. A. Schumann
John J. Treacy
Peter Stillwell
Frederick Weismann
George G. Tennant
Warren O. Laudenberger
Bertrand L. Gulick
George W. Page
Harry D. Leavitt
Myron J. Whitford
William H. C. Jackson
John E. Montgomery
William T. Hoffman
John A. Howland
Somers T. Champion
Charles R. Whitehead
William T. Brown
George W. Holman, Jr.
Edmund G. Stalter
William B. Davidson
Hiram Keasler
Raymond Bogert
Frederick W. Van Blarcom
John Tyler
Henry W. Hoagland
Lewis S. Iliff
Frederick Miller
William Newcorn
William F. Hall
William R. Laire
Republicans, 46; Democrats, 14.

1903—127th Session

GOVERNOR
Franklin Murphy

SENATE

Edward S. Lee
Edmund W. Wakelee
Nathan Haines
William J. Bradley
Robert E. Hand
B. H. Minch
J. H. Bacheller
Thomas M. Ferrell
Robert S. Hudspeth
William C. Gebhardt
Elijah C. Hutchinson, President
Theodore Strong
Oliver H. Brown
Jacob W. Welsh
George L. Shinn
Wood McKee
James Strimple
Samuel S. Childs
Lewis J. Martin
Joseph Cross
Isaac Barber

Republicans, 14; Democrats, 7.

HOUSE OF ASSEMBLY

Thomas C. Elvins
George Cook
M. S. Ayres
John G. Horner, Speaker
B. D. Shedaker
Henry S. Scovel
Theodore B. Gibbs
John S. Roberts
Lewis M. Cresse
Louis H. Miller
Benjamin F. Buck, Jr.
William B. Garrabrants
John Howe
Robert W. Brown
Ralph B. Schmidt
Edward E. Gnichtel
W. G. Sharwell
Edgar Williams
Robert M. Boyd, Jr.
William A. Lord
Fred'k. R. Lehlbach
Everett Colby
John Boyd Avis
James A. Hamill
Carl G. A. Schumann
John J. Treacy
Peter Stillwell
Fred'k. Weismann
J. W. R. Besson
Michael J. Cannon
Joseph C. Duff
J. F. Fielder
Wm. D. Kelly
E. H. Loveridge
T. P. McGlennon
James H. Willever
B. L. Gulick
Harry D. Leavitt
Thos. Colclough, Jr.
W. H. C. Jackson
John E. Montgomery
Bernard M. Gammon
John A. Howland
Charles F. McDonald
Amzi M. Posten
Wm. T. Brown
Thomas J. Hillery
William J. Harrison

Edmund G. Stalter
Hiram Keasler
F. W. Van Blarcom
G. H. Dalrymple
A. L. Pattersen
Ephraim C. Harris
S. S. Swackhammer
Lewis S. Iliff
William Newcorn
William F. Hall
E. S. Coyne
John A. Wildrick
Republicans, 38; Democrats, 22.

1904—128th Session

GOVERNOR
Franklin Murphy

SENATE

Edward S. Lee
Edmund W. Wakelee, President
John G. Horner
William J. Bradley
Lewis M. Cresse
Bloomfield H. Minch
J. Henry Bacheller
Thomas M. Ferrell
Robert S. Hudspeth
George F. Martens, Jr.
Elijah C. Hutchinson
William H. C. Jackson
Oliver H. Brown
Jacob W. Welsh
George L. Shinn
Wood McKee
James Strimple
Samuel S. Childs
Jacob C. Price
Joseph Cross
Isaac Barber
Republicans, 14; Democrats, 7.

HOUSE OF ASSEMBLY

Thomas C. Elvins
George Cook
Melancthon S. Ayers
Benjamin D. Shedaker
Samuel K. Robbins
Henry Scovel
Theodore B. Gibbs
John S. Roberts
James M. E. Hildreth
Louis H. Miller
B. Frank Buck
Everett Colby
Frederick R. Lehlbach
William Pennington
Fred. Manners
Abraham Kaiser
Herbert U. Taylor
John J. Gallagher
Samuel F. Wilson
Edward D. Birkholz
Hampden L. Johnstone
Edward D. Duffield
John Boyd Avis, Speaker
James A. Hamill
Joseph C. Duff
James F. Fielder
William D. Kelly
J. W. Rufus Besson
Edgar H. Loveridge
Thomas P. McGlennon
Myron C. Ernst
Godfrey B. Matthews

Harry W. Lange
John Callery
D. Kelsay Whitaker
James H. Willever
Thomas Colclough, Jr.
Ralph Hulse
Thomas B. De Cou
J. H. Thayer Martin, Jr.
Alexander R. Fordyce, Jr.
Frank C. Henry
Charles F. McDonald
Amzi M. Posten
William F. Lefferson
Thomas J. Hillery
Charles A. Baker
Cornelius A. Baker
Frederick W. Van Blarcom
George H. Dalrymple
Ernest Shaw
Jacob De Lazier
Thomas R. Layden
Thomas E. Hunt
Samuel S. Swackhamer
Lewis S. Iliff
Joseph T. Hague
Joseph H. Gunn
Charles L. Moffett
John A. Wilrick

Republicans, 38; Democrats, 22.

1905—129th Session

GOVERNOR

Edward Casper Stokes

SENATE

Edward S. Lee
Edmund W. Wakelee
John G. Horner
William J. Bradley
Lewis M. Cresse
Bloomfield H. Minch
J. Henry Bacheller
Thomas M. Ferrell
James F. Minturn
George F. Martens, Jr.
Barton B. Hutchinson
William H. C. Jackson
Oliver H. Brown
Thomas J. Hillery
George L. Shinn
Wood McKee
James Strimple
Samuel S. Childs
Jacob C. Price
Joseph Cross, President
Isaac Barber

Republicans, 14; Democrats, 7.

HOUSE OF ASSEMBLY

Thomas C. Elvins
Clarence Mabie
John Heck
Benjamin D. Shedaker
Samuel K. Robbins
Henry S. Scovel
Theodore B. Gibbs
Samuel P. Jones
James M. E. Hildreth
Louis H. Miller
B. Frank Buck
Everett Colby
Frederick R. Lehlbach
William Pennington

Frederick W. Manners
Abraham Kaiser
Herbert W. Taylor
John J. Gallagher
Samuel F. Wilson
Edward D. Birkholz
Hampden L. Johnstone
Edward D. Duffield
John Boyd Avis, Speaker
James A. Hamill
Joseph C. Duff
Archibald Alexander
Edward A. Murphy
Joseph A. Riordan
Edgar H. Loveridge
William J. Boucher
Myron C. Ernst
Godfrey B. Mattheus
Harry W. Lange
John Callery
Robert H. Scott
James H. Willever
Alfred N. Barber
Ralph Hulse
Thomas B. DeCou
J. H. Thayer Martin, Jr.
Alexander R. Fordyce, Jr.
Frank C. Henry
Edgard I. Van Derveer
Walter S. Reed
George C. Henry
Charles A. Baker
John M. Mills
Cornelius C. Pearce
George F. Wright
George H. Dalrymple
Ernest Shaw
Henry Marelli
Thomas R. Layden
Thomas E. Hunt
Irving Hoagland
Edward S. Coyne
Peter Tillman
Randolph Perkins
John A. Wildrick

Republicans, 46; Democrats, 13.
1 vacancy—in Sussex

1906—130th Session

GOVERNOR

Edward Casper Stokes

SENATE

Edward S. Lee
Edmund W. Wakelee
John G. Horner
William J. Bradley, President
Lewis M. Cresse
Bloomfield H. Minch
Everett Colby
John Boyd Avis
James F. Minturn
George F. Martens, Jr.
Barton B. Hutchinson
William H. C. Jackson
Oliver H. Brown
Thomas J. Hillery
George L. Shinn
Wood McKee
William Plummer, Jr.
Joseph S. Frelinghuysen
Jacob C. Price
Ernest R. Ackerman
Johnston Cornish

Republicans, 17; Democrats, 4.

HOUSE OF ASSEMBLY

Thomas C. Elvins
Clarence Mabie
John Heck
Samuel K. Robbins, Speaker
John B. Irick
Henry S. Scovel
Theodore B. Gibbs
Samuel P. Jones
James M. E. Hildreth
Louis H. Miller
B. Frank Buck
William P. Martin
Gustav W. Roeber
George F. Serbe
Henry Clay Hines
Philip C. Walsh, Jr.
Charles R. Underwood
Gustav A. Kayser
Russell M. Everett
Austin Colgate
William F. Morgan
Gustavus F. Sommer
William C. Cattell
Robert H. Scott
John J. Coyle
Joseph F. Galvin
William A. Joerg
James E. Woolley
Edward K. Patterson
Eusebius W. Arrowsmith, Jr.
Herman A. Berg
J. Philip Dippel
John H. Eggers
Harry F. Thompson
Theodore L. Bierck
Oliver C. Holcombe
Alfred N. Barber
Henry D. Thompson
William F. Burk
Frank Crowther
William R. Drake
Edward E. Haines
Edgar I. Vanderveer
Walter S. Reed
George C. Henry
John M. Mills
Richard J. Chaplin
George C. Warren
George F. Wright
Henry Marelli
Arthur M. Smethurst
John D. Prince
Colin R. Wise
Thomas E. Hunt
Irving Hoagland
Levi H. Morris
Peter Tillman
Randolph Perkins
Everard K. Tucker
Joseph H. Firth

Republicans, 56; Democrats, 3; Independent, 1.

1907—131st Session

GOVERNOR

Edward Casper Stokes

SENATE

Edward S. Lee
Edmund W. Wakelee
Samuel K. Robbins
William J. Bradley
Robert E. Hand
Bloomfield H. Minch, President

Everett Colby
John Boyd Avis
James F. Minturn
William C. Gebhardt
Barton B. Hutchinson
George S. Silzer
Oliver H. Brown
Thomas J. Hillery
George L. Shinn
John Hinchliffe
William Plummer, Jr.
Joseph S. Frelinghuysen
Jacob C. Price
Ernest R. Ackerman
Johnston Cornish
Republicans, 15; Democrats, 6.

House of Assembly

Thomas C. Elvins
James Devine, Jr.
Guy L. Fake
John B. Irick
Griffith W. Lewis
Samuel P. Jones
Theodore B. Gibbs
Frank B. Jess
Corsville E. Stille
B. Frank Buck
Frank B. Potter
Edward H. Wright, Jr.
Patrick H. Corish
Simon Hahn
John Breunig
John J. Baader
John C. Groel
Thomas J. Mead
Edgar E. Lethbridge, Speaker
John W. Lane
Daniel J. Brady
Harry F. Backus
William C. Cattell
Mark A. Sullivan
Charles P. Olwell
Joseph P. Tumulty
James Baker
Charles E. Hendrickson, Jr.
Charles H. Blohm
Joseph A. Riordan
Archibald S. Alexander
Philip Daab
Oscar L. Auf der Heide
Albert C. Eppinger
Valentine Holzapfel
Oliver C. Holcombe
Alfred N. Barber
William F. Burk
Henry D. Thompson
William D. Drake
Frank Crowther
Edward E. Haines
T. Nelson Lillagore
Isaac B. Davison
Frank J. Manson
Richard J. Chaplin
Henry W. Buxton
Samuel S. Taylor
Abram Klenert
Frank A. Pawelski
William A. Merz
Henry J. Earle
John D. Van Blarcom
Samuel A. Ridgway
William W. Smalley
Levi H. Morris
Randolph Perkins
Peter Tillman
John R. Moxon
Joseph H. Firth
Democrats, 31; Republicans, 29.

1908—132d Session

GOVERNOR
John Franklin Fort

SENATE

Edward A. Wilson
Edmund W. Wakelee
Samuel K. Robbins
William J. Bradley
Robert E. Hand
Bloomfield H. Minch
Everett Colby
John Boyd Avis
James F. Fielder
William C. Gebhardt
Harry D. Leavitt

George S. Silzer
Oliver H. Brown
Thomas J. Hillery, President
William J. Harrison
John Hinchliffe
William Plummer, Jr.
Joseph S. Frelinghuysen
John C. Price
Ernest R. Ackerman
Johnston Cornish

Republicans, 14; Democrats, 7.

HOUSE OF ASSEMBLY

Martin E. Keffer
James Devine, Jr.
Guy L. Fake
John B. Irick
Griffith W. Lewis
Theodore B. Gibbs
Frank B. Jess, Speaker
Joseph Potter
Corsville E. Stille
B. Frank Buck
Frank B. Potter
Henry Young, Jr.
Henry C. Hines
James Henry Lowrey
August J. Miller
William P. Martin
Rudolph A. Braun
William Roberts
John F. Clark
Austen Colgate
H. Stacy Smith
William Fellowes Morgan
William C. Cattell
Mark A. Sullivan
Charles P. Olwell

Joseph P. Tumulty
James Baker
Charles E. Hendrickson, Jr.
Charles H. Blohm
Philip Daab
Oscar L. Auf der Heide
Albert C. Eppinger
Valentine Holzapfel
Edward Kenny
Amadeus Valente
Oliver C. Holcombe
Henry D. Thompson
George W. Housel
Edwin H. Ginnelley
William C. Voorhees
William E. Ramsay
Schuyler C. Van Cleef
David E. Tantum
Wilbert A. Beecroft
John W. Keough
Henry W. Buxton
James A. Lyon
Benjamin H. Crosby
John D. Prince
Amos H. Radcliffe

William B. Burpo
Henry C. Whitehead
Samuel McCoid
Samuel A. Ridgway
William W. Smalley
Levi H. Morris
John R. Moxon
Carlton B. Pierce
Albert F. Kirstein
Joseph H. Firth
Republicans, 40; Democrats, 20.

1909—133d Session

GOVERNOR
John Franklin Fort

SENATE

Edward A. Wilson
Edmund W. Wakelee
Samuel K. Robbins, President
William J. Bradley
Robert E. Hand
Bloomfield H. Minch
Harry V. Osborne
George W. F. Gaunt
James F. Fielder
William C. Gebhardt
Harry D. Leavitt
George S. Silzer
Oliver H. Brown
Thomas J. Hillery
William J. Harrison
John Hinchliffe
William Plummer
Joseph S. Frelinghuysen
Jacob C. Price
Ernest R. Ackerman
Johnston Cornish
Republicans, 13; Democrats, 8.

HOUSE OF ASSEMBLY

Martin E. Keffer
Joseph H. Scharff
Harry P. Ward
John B. Irick
Griffith W. Lewis
Theodore B. Gibbs
Joseph Potter
Henry R. Tatem
Corsville E. Stille
B. Frank Buck
Isaac T. Nichols
Henry Young, Jr.
Henry C. Hines
August J. Miller
William P. Martin
William Roberts
John F. Clark
Austen Colgate
H. Stacy Smith
Thomas H. Brooks
Eliot E. Ford
Lewis G. Bowden
Walter Heritage
Mark A. Sullivan
Charles P. Olwell
Joseph P. Tumulty
James Baker
Oscar L. Auf der Heide
Albert C. Eppinger
Edward Kenny
Amadeus Valente
William C. Kackenmester
Frederick H. Otto
William S. Davidson
Peter H. James

John J. Matthews
George W. Housel
Edwin H. Ginnelley
Charles H. Mather
William C. Voorhees
Rene P. F. von Minden
Edwin C. McKeag
Joseph D. Bedle
Monroe V. Poole
Peter Vredenburgh
James A. Lyon
Oscar B. Smith
Benjamin H. Crosby

John D. Prince, Speaker
Amos H. Radcliffe
William B. Burpo
James G. Blauvelt
Edward Thomas Moore
John D. Schade
William W. Smalley
Charles A. Meyer
Carlton B. Pierce
Albert F. Kirstein
Augustus W. Schwartz
Harry B. Moon
Republicans, 45; Democrats, 15.

1910—134th Session

GOVERNOR
John Franklin Fort

SENATE

Edward A. Wilson
Edmund W. Wakelee
Griffith W. Lewis
William J. Bradley
Robert E. Hand
Bloomfield H. Minch
Harry V. Osborne
George W. F. Gaunt
James F. Fielder
William C. Gebhardt
Harry D. Leavitt

George S. Silzer
Oliver H. Brown
Edward K. Mills
Thomas A. Mathis
John D. Prince
William Plummer
Joseph S. Frelinghuysen, President
Jacob C. Price
Ernest R. Ackerman
Johnston Cornish
Republicans, 15; Democrats, 6.

HOUSE OF ASSEMBLY

Walter E. Edge
Joseph H. Scharff
Harry P. Ward, Speaker
Warren C. Pine
Blanchard H. White
Harry R. Tatem
Albert De Unger
George W. Whyte
Christopher S. Hand
Isaac T. Nichols
Albert R. McAllister

Thomas H. Brooks
Lewis G. Bowden
William Lee
Emil Wohlfarth
Thomas Goldingay
Thomas Gillen
Robert Spencer Terhune
J. William Huegel
Coleman E. Kissam
Duane E. Minard
Harold A. Miller

Walter Heritage
Mark A. Sullivan
Charles P. Olwell
Joseph P. Tumulty
James Baker
Oscar L. Auf der Heide
Edward Kenny
William C. Kackenmester
William S. Davidson
Peter H. James
Cornelius Ford
James C. Agnew
James H. Christie
John J. Matthews
George W. Housel
Charles H. Mather
Allan B. Walsh
John V. L. Booraem
Edward Burt
William E. Ramsay
Joseph D. Bedle
Monroe V. Poole
Peter Vredenburgh
Oscar B. Smith
William F. Birch
Benjamin H. Crosby
Amos H. Radcliffe
Edward T. Moore
Thomas R. Layden
Thomas F. McCran
Leonard Pikaart
Samuel A. Ridgway
William W. Smalley
Charles A. Meyer
Carlton B. Pierce
Augustus W. Schwartz
Lloyd Thompson
George B. Cole

Republicans, 41; Democrats, 19.

1911—135th Session

GOVERNOR

Woodrow Wilson

SENATE

Walter E. Edge
James A. C. Johnson
Griffith W. Lewis
William J. Bradley
Robert E. Hand
Isaac T. Nichols
Harry V. Osborne
George W. F. Gaunt
James F. Fielder
William C. Gebhardt
Harry D. Leavitt
George S. Silzer
Oliver H. Brown
Richard Fitzherbert
George C. Low
John D. Prince
William Plummer
Joseph S. Frelinghuysen
Jacob C. Price
Ernest R. Ackerman, President
Johnston Cornish

Republicans, 12; Democrats, 9.

HOUSE OF ASSEMBLY

Isaac Bacharach
Garrabrant R. Alyea
William H. Hinners
Warren C. Pine
Blanchard H. White
Albert De Unger
George W. Whyte
Isaac W. Coles
Christopher S. Hand
Walter E. Turner

Ephraim H. Whiticar
Harry F. Backus
John J. Bracken
James P. Mylod
Charles W. Brown
Mark F. Phillips
Michael Leveen
Michael J. McGowan, Jr.
Frank P. Shalvoy
Frank A. Boettner
William P. Macksey
Edward D. Balentine
James Lafferty
Edward Kenny, Speaker
William S. Davidson
Peter H. James
Cornelius Ford
James C. Agnew
James H. Christie
Charles E. S. Simpson
Thomas M. Donnelly
Charles M. Egan
Thomas F. Martin
Thomas F. A. Griffin
James J. McGrath
John J. Matthews
Charles H. Mather
Allan B. Walsh
George W. Adams
John V. L. Booraem
William E. Ramsay
August C. Streitwolf
Elmer H. Geran
James A. Hendrickson
Leon R. Taylor
Albert Bunn
Eugene S. Burke
Harry E. Newman
Amos H. Radcliffe
Thomas R. Layden
Thomas F. McCran
Leonard Pikaart
Arthur P. Jackson
Charles L. Richmond
George M. La Monte
Charles A. Meyer
Lloyd Thompson
Calvin E. Brodhead
Hugh J. McLoughlin
George B. Cole

Democrats, 42; Republicans, 18.

1912—136th Session

GOVERNOR

Woodrow Wilson

SENATE

Walter E. Edge
James A. C. Johnson
Griffith W. Lewis
William T. Read
Robert E. Hand
Isaac T. Nichols
Austen Colgate
George W. F. Gaunt
James F. Fielder
William C. Gebhardt
Harry D. Leavitt
George S. Silzer
John W. Slocum
Richard Fitzherbert
George C. Low
John D. Prince, President
J. Warren Davis
William W. Smalley
Jacob C. Price
Carlton B. Pierce
Thomas Barber

Republicans, 11; Democrats, 10.

HOUSE OF ASSEMBLY

Carlton Godfrey
Emerson L. Richards
William E. Ogden
Frank M. Stevens
Charles O'Connor Hennessy
Blanchard H. White
Albert De Unger
George W. Whyte
Isaac W. Coles
James M. E. Hildreth
Albert R. McAllister
William M. Beard
Henry F. Holloway
Charles G. Linnenkohl
Mortimer Lowy
Robert E. Mitchell
Frank J. Murray
Fred Prout
Thomas J. Smith
William E. Stagg
Fred G. Stickel, Jr.
Harry J. Thein
William G. Weigel
James Lafferty
William S. Davidson
Peter H. James
Cornelius Ford
James C. Agnew
Charles E. S. Simpson
Thomas M. Donnelly
Charles M. Egan
Thomas F. Martin
Thomas F. A. Griffin
Joseph M. Branegan
George F. Brensinger
Philip Steuerwald
Oliver C. Holcombe
George W. Adams
John E. Gill
Edgar G. Weart
August C. Streitwolf
John P. Kirkpatrick
John F. Ten Broeck
Elmer H. Geran
Leon R. Taylor
William F. Birch
Joseph G. Willis
Harry E. Newman
Thomas F. McCran, Speaker
Leonard Pikaart
Amos H. Radcliffe
Garret H. Vermeulen
William W. Watson
Isaac S. Smick
William de La Roche Anderson
Charles A. Meyer
George L. Babcock
William F. Groves
George C. Otto
Henry O. Carhart

Republicans, 37; Democrats, 23.

1913—137th Session

GOVERNOR
Woodrow Wilson

SENATE

Walter E. Edge
James A. C. Johnson
Blanchard H. White
William T. Read
Harry C. Wheaton
Isaac T. Nichols

Austen Colgate
George W. F. Gaunt
James F. Fielder, President
George F. Martens, Jr.
William E. Ramsay
Harry D. Leavitt
John W. Slocum
Richard Fitzherbert
George C. Low
Peter J. McGinnis
J. Warren Davis
William W. Smalley
Samuel T. Munson
Carlton B. Pierce
Thomas Barber
Democrats, 12; Republicans, 9.

HOUSE OF ASSEMBLY

Emerson L. Richards
Joseph W. Salus
Charles O'Connor Hennessy
Arthur M. Agnew
John W. Zisgen
Robert Peacock
Isaac W. Coles
John B. Kates
James Russell Carrow
William Porter
John A. Ackley
Joseph B. Bloom
John J. Bracken
Simon L. Fisch
Bennett H. Fishler
Frank A. Foley
Louis Lewis
William E. Maguire
John A. Matthews
Lawrence McCabe
Charles A. Nutting
Joseph F. Papscoe
Hubert J. Rowe
Edward C. Leeds
James C. Agnew
Charles M. Egan
Thomas F. Martin
Joseph M. Branegan
Philip Steuerwald
Magnus Bredenbek
Harry Kuhlke
Walter L. McDermott
Arthur F. McGrath
Henry W. Moser
Thomas C. Mulligan
Daniel J. Murray
Oliver C. Holcombe
George W. Adams
Hervey Studdiford Moore
Erwin E. Marshall
John P. Kirkpatrick
George L. Burton
Arthur A. Quinn
Leon R. Taylor, Speaker
William E. Mount
James J. Lyons
Edward D. Neighbour
David G. Conrad
Robert F. Buckley
Joseph A. Delaney
James E. Kerwin
James Matthews
Robert A. Roe
Isaac S. Smick
Azariah M. Beekman
Henry T. Kays
John J. Griffin
William A. Leonard
Hugh J. McLoughlin
Henry O. Carhart
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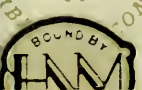

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